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THE NINTH LORD PETRE

ROBERT EDWARD, 9TH. LORD PETRE.

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(Signature of Robert Edward 9th. Lord Petre, to a lease of land in Selby dated 1st Dec. 1792.)

Frontispiece.

THE NINTH LORD PETRE

OR

PIONEERS OF ROMAN CATHOLIC EMANCIPATION

BY HIS GREAT-GREAT-GRANDDAUGHTER

M. D. PETRE

LONDON
SOCIETY FOR PROMOTING
CHRISTIAN KNOWLEDGE
NEW YORK AND TORONTO: THE MACMILLAN CO.
1928

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TO MY FATHER;
LOYAL, CHARITABLE, JUST.

ST. ALBERT'S

PUBLISHER'S NOTE

THE point of view from which this book is written is not that of the Society which publishes it. The Literature Committee of the Society have taken the responsibility of publishing the book in the hope that it will contribute towards the cause of Christian Reunion.

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The Frontispiece is a reproduction from the portrait in the Freemasons' Hall, Great Queen Street, all the other portraits are from the pictures formerly at Thorndon Hall, now at Ingatestone Hall, for the use of which I return thanks to the head of my family and his mother. Correspondence concerning the reproduction of these illustrations should be addressed to the publishers.

INTRODUCTION

I HAVE long wished to place on record some description of a religious type which has almost disappeared and will soon be forgotten. It is a type with which some of us possessed early and long familiarity; but we are a rapidly diminishing number.

I speak of the old English Catholics: members of those families that had been shaped under conditions of repression and privation; that had been politically weakened, but morally strengthened, by unjust circumstances; that had been oppressed, yet stimulated; confined in intellect, re-inforced in will, by a long period of intermittent persecution and unintermittent repression.

There emerged from this long-drawn struggle men and women of very definite characteristics, who manifested, in their religious as in their civil life, marked qualities of strength and determination.

I shall ever regard it as a special privilege to have been, in my childhood, in close contact with this strong and noble type of Catholicism, and I had the additional good fortune to be in near relation with the contrary and semi-conflicting type of the English convert. I was thus acquainted with and influenced by the strong, reserved temper of the old English Catholic, on the one side, and the more ardent and devotional temperament of the English—or, in this case, the Irish—convert on the other side.

Under this twofold influence the religion of one's childhood became a strong law, a supreme interest,

an abounding joy ; a strong law, especially as manifested in the character of a father of ancient Catholic family ; a supreme interest and an abounding joy especially as revealed in the person of a convert mother.

I should like to convey some picture of the life of children in those ancient Catholic homes ; so remote, many of them, from the distractions even of their own day ; how much more remote from such excitements as are familiar to modern childhood !

Compared with that of the latter ours was a stern upbringing : little amusement and hardly any society but our own ; not much indulgence in the matter of food and warmth ; not many gay dresses and very few parties. We had our games and walks and rides and drives, but little excitement or outer stimulus. We had to be self-sufficing in our amusements and pleasures ; and we depended largely for our happiness and delight on our own *joie de vivre* ; but it did not fail us.

Over lives thus isolated and self-contained the varied and poetical sequence of Church festivals shed a joy and brightness that can only be appreciated by those who have shared the experience.

Holy days—I mean such in the strict sense of the word—were the outstanding events of the year. They were both holy days and holidays ; they were sacred and joyful, pious and merry, prayerful and idle.

And amongst all those golden holidays, Corpus Christi stands forth, with a peculiar glory and joy of its own ; the Feast of the sacramental system, and of the Real Presence ; the day on which the well-loved garden of our childish games was transformed into a place of song and prayer.

Even in my childhood, long after the abolition of the worst of the Penal Laws, we were, in virtue of

our religion, somewhat isolated. Much water has passed under the bridge since those days in which our Protestant friends still suspected us of strange, superstitious and idolatrous practices and in which we ourselves would have resented any use of the word Catholic by others than ourselves. But in those days we lived much apart, and as children we were scarcely to blame if we were somewhat exclusive and intransigent in our religious views. Something of that temper will ever persist amongst those who think that we are never so sure of being ourselves in the right as when we have proved others to be in the wrong. And that same temper may cause some of my fellow-believers to shrink from parts of the following work, in which the faults and dissensions of Catholics are not concealed. A few of my Catholic critics have expressed their regrets on this point, our object being, as they maintain, to prove that our Church is the one and only religious body ever in perfect harmony with herself; ever free from all inward dissensions.

But there is a greater unity, which persists in spite of dissensions, and that is a unity which stands forth magnificently apparent throughout the events with which we are about to deal. It was in questions of temporal rather than spiritual, of ecclesiastical rather than religious interest that the differences occurred; and those who cared least for the worldly advantages of their Church did not yield to the others in their devotion to her other-world and supernatural prerogatives.

To return to the days of our Catholic childhood. I have said that our upbringing was stern, but let it not be thought that it was puritanical. It was rigid and ascetic, but not narrow or harsh. I think, as I look back on that time, that there were two chief outstanding principles ever set before us—that of charity and that of loyalty and truth. Rarely,

indeed, did we hear from our father the least word of unkindness of those present or absent; and his honour was to him as sacred as his life. Along with this latter characteristic went that independence of character and judgment which marked all the members of his family. They were strong, fearless men, in both mind and will; loyal subjects to Church and State, but servile to neither; not restless or critical, but capable of judgment in regard to the rights and limitations of authority. They were men who would have died for their King, but would also, if need were, have withstood him to his face; they were men docile to their ecclesiastical superiors, but not tolerant of any intrusion of such into the rightful domain of personal liberty. They were men of pure and blameless lives, and they were clean, straight, honourable English gentlemen.

Of the one who is chief subject of this memoir, not many personal details can or will be given. He will move in and out amongst the events narrated; a factor in all that was done and accomplished, but leaving no personal record of his own words and actions.

In this he is no bad example of his type—men to whom deeds were more than words, and public duty more than private fame.

NOTE

My thanks are due to Father Charles Kuypers, of Thorndon Hall, Brentwood, for the help he was able to give me in virtue of his knowledge of the family archives.

I should also mention my indebtedness to the works of the late Dr. Bernard Ward, who did so much to throw light on the history of Catholic Emancipation.

THE NINTH LORD PETRE

CHAPTER I

Robert Edward Petre and His Times

I FIRST conceived the idea of writing some sort of biographical memoir of Robert Edward, ninth Lord Petre, from coming across the following anecdote in his career, related in the memoirs of Charles Butler.

During the wars with France he equipped, at his own expense, a company of 250 men, which he placed unreservedly at the disposition of the Government. He asked, in return, that his own son should command the company. This request was refused; a Catholic could not hold the rank of officer. The gift, however, was not withdrawn; the company was handed over as originally intended, the only difference being that his son entered that same company as a private soldier.

There is nothing actually heroic in this episode, and perhaps, had it been heroic, it would have been less valuable as a testimony of character. Occasions of heroism are rare, but acts of heroism, on the other hand, partake of the same family characteristics; they have in common, in a greater or less degree, a certain sublime disregard for self and devotion to duty or ideal.

This action of my ancestor was not in the sublime order, but it was highly typical of the man, of the

time, of the family, of the prevailing temper of mind of men of his religion and his class. It was an act of plain, common-sense virtue, religion, and loyalty. He wanted to serve his country ; he had no intention of being unfaithful to his religion. His country refused him the ordinary and full opportunities of serving her –he seized on those he found available ; his religion forbade him to follow the simple path of conformity—he sought other ways of exercising his duties as a citizen.

But on neither side was he prepared to grant to the respective authorities anything beyond what they could justly claim ; he had long proved his power of maintaining the rights of conscience against Caesar, he was equally prepared to maintain the rights of civil and social life against any illegitimate intrusion of religious authority.

Catholicism is rich in types, and the old English families have furnished one of very distinct qualities and character. Indeed the subject of this memoir is interesting rather in virtue of the type he represents than of his strictly personal qualities.

He was not a man of marked intellectual endowments, though he was a man of strong, sterling sense ; he was not a man of highly spiritual sentiments and apprehension ; still less was he, in any sense but that in which all religious minds are mystical, to be regarded as a mystic. He was not romantic, he was not a hero, though he would have been heroic had occasion demanded it. He was ready to make a necessary sacrifice, but he had no love of sacrifice for its own sake, and when he made one he made it just to the extent which the circumstances demanded, and not beyond. He had no wish to suffer, no wish to die ; he would do either if duty and conscience demanded it.

Now this man was born into a time when, by force of circumstances, the question as to the respec-

tive limits of religious and civil authority was the crucial one so far as English Catholics were concerned. It had always been prominent and important, but in the earlier days of the religious crisis in England forces were more evenly divided ; passion was stronger ; political questions entered more largely into the discussion, and events of importance succeeded one another so rapidly that the partisans on either side were often too busy fighting to examine into the nature of their dispute.

In my childhood we were taught English history from Catholic textbooks, just as our young Protestant friends imbibed their knowledge from writers of their own Church. If, perforce, we made use of some convenient little manual of heretical character, our governess would carefully expunge any remarks not in accordance with the " Catholic view " of our history. It is true that we delighted in holding such pages up to the light, and reading them aloud through the erasures ; but our confidence in our own cause was not lessened by such naughtiness ; and we had no other notion but that a full-blooded Protestantism sprang to birth under Henry VIII, and was consolidated under Edward VI and Elizabeth.

Our history was taught us in hard lines ; we were not given the least notion of the slow process of evolution through which the State Church of England passed from traditional Catholicism to definite Protestantism.

Camp-life stamps its character on those who lead it. To live in a camp is to lead a twofold life of hostility and partisanship, the former tending to accentuate opposition, the latter to develop a national or corporate spirit. Even the names of Montagu and Capulet have sufficed to impose, on either side, a corresponding type ; how much more, then, the deeply significant terms of Protestant and Catholic, English and Roman. Such names not

only responded to a real difference but served to accentuate that same difference. And as both sides are ever influenced, not only by the name by which they call themselves, but also by the name which their enemies give them, so it is probable that the term " Papist " was not without some influence on Catholic mentality. Anyhow, English Protestants and Catholics had so long walked on opposite sides of a widening stream that both had forgotten what the country was like when they started on their journey.

Some would argue that later differences are a proof of differences as great and fundamental, though less obvious, in the origin of two diverging movements. This is not always good philosophy, for as the distance between two parties increases, so does environment contribute to the fashioning of a special type. The old English Catholics of the eighteenth century, and English Catholics of our own day, would find a good deal that was different and strange if they could be thrown back into Catholic society of the time of Sir Thomas More. Much more would their Protestant and our Protestant contemporaries find themselves strangely companioned amidst their supposed co-religionists of the reign of Henry VIII, during which those Six Articles were imposed which incorporated just the points of doctrine which eventually became characteristic of Catholic as *versus* Protestant belief; or even amidst their forbears of the reign of Elizabeth. Protestantism did not arrive in England fully defined and equipped for the campaign against Catholicism, and in their first differences there was a considerable element of the " might have been."

Nor were we as children—any more than our little Protestant acquaintances—given the slightest notion of the accompanying political factors.

And yet twice, in the course of English Church

history since the Reformation, had the religious question been definitely complicated by political considerations. There was, first of all, the question as to the right of Elizabeth to the throne; there was, next, the long-drawn-out contest as to the Stuart succession. This latter had lasted to the days of which we speak, and had only died out about then, as it were of inanition.

In his work on "The State and Behaviour of the English Catholics from the Revolution to the Year 1780" the Rev. Joseph Berrington describes the attachment of Catholics to the Stuart cause as a kind of infatuation, and says that it spent itself about 1778. In lists of recusants, names from most of the old Catholic families are inscribed, and, without passing any judgment on the political and historical question, we cannot but admit that this adherence to the Stuart cause had given some justification to the policy of repression and persecution. Yet it is difficult to see that the Stuart family had done much to deserve this abiding loyalty on the part of their Catholic subjects. It is true that the subject of this memoir was son of Maria Radclyffe, the daughter of the third Earl of Derwentwater, who was beheaded for his part in the rising of 1715. But it is also true that he was descended from William, fourth Lord Petre, who was mercilessly imprisoned in the Tower under Charles II, and left to die without judgment or hearing in consequence of the calumnious denunciations of Titus Oates.

It may likewise be noted that the Test and Corporation Acts were passed in the reign of Charles II; and that whereas there might be, and there often was, divergence of opinion in regard to the lawfulness, for a Catholic, of taking certain oaths of allegiance, there could never be any question as to the unlawfulness of conforming to the provisions of those two Acts.

In his "Declaration" from Breda Charles II made the following promise to his loyal Catholic subjects :

> We do declare a liberty to tender consciences and that no man shall be disquieted or called in question for differences of opinion in matters of religion, which do not disturb the peace of the kingdom ; and that we shall be ready to consent to such an Act of Parliament as upon mature deliberation shall be offered unto us for the full granting of that indulgence.

Yet in 1661 the Corporation Act was passed, by which Commissioners were empowered to turn out of office "any person or persons" occupying the office of Mayor, Town-clerk, Councilman, etc., "that shall not have, within one year next before such election or choice, taken the Lord's Supper according to the rites of the Church of England."

The Test Act was passed by Charles II on March 29, 1673, in order to obtain financial subsidies, and according to its provisions :

> Every person that shall be admitted into any office civil or military, or shall receive any pay, etc., or have command or place of trust, etc., under H.M. or in his Navy or household . . . shall receive the sacrament of the Lord's Supper according to the usage of the Church of England within three months after admittance, etc.

It seems at first sight astonishing that Catholics should so long have preserved their fidelity to a family that so basely betrayed and abandoned them ; but the motives for such loyalty lay, perhaps, deeper than they themselves realised.

Religion has, for its chief aim, spiritual and other-world values, but it tends also to seek for itself a suitable human environment : a society, a policy, in which its doctrines and aims can be satisfactorily

realised. If Catholics adhered to the Stuart cause, and if they were taught and encouraged by their religious superiors to do so, this was not merely to escape persecution (which they did not, thereby, escape) but because they knew—and their ecclesiastical superiors knew still better—that there was more to be hoped for the temporal status of the Church from the Stuarts than from the House of Hanover. There was a striving (unconscious, for the most part, amongst the laity at least) to re-establish not only the Catholic religion but the society in which that same religion could best flourish. The *Civitas Dei* seeks for itself a city on earth also. Hence the loyalty of Catholics to a lost cause and to " a Lost Leader."

But this tradition of loyalty to the Stuarts had, as we have said, almost spent itself by now. The rising of 1745–1746, led by Charles Edward, had found but slight response in England, whether among Protestants or Catholics. In spite of their disabilities English Catholics had lived, to some extent, in friendly relations with their Protestant compatriots, and were by now disposed to study more calmly the question of lawful or unlawful conformity.

Times had changed. English common sense and English fairness and English temper had prevailed over prejudice and mere legality so far as to enable English Catholics to taste, in some measure, of the interests and duties of citizenship in spite of the barriers that had been raised up to prevent them from doing so ; and in spite of the fact that those barriers had never been removed.

It rejoices one to think of how much might have been done to render the life of a Catholic insupportable, but never was done : and how much, on the other hand, was done in their favour that need never have been done.

Thus it was only in 1778 that was passed

An act for relieving His Majesty's subjects professing the Popish religion from certain penalties and disabilities imposed on them by an Act made in the Eleventh and Twelfth year of King William III intituled "An Act for the further preventing the growth of Popery"—1700.

According to this Act of William III :

Anyone who apprehended bishop, priest, Jesuit and convicted him of saying Mass, received £100. Any bishop, priest, or Jesuit or Catholic teacher was liable to perpetual imprisonment.

Anyone who should not

within six months after they attained the age of eighteen take the oaths of allegiance and supremacy and make the declaration in 30 Car. II (Declaration against Popery) should be disabled (but not their heirs or posterity) to inherit or take any lands, tenements or hereditaments within this Kingdom. And during such persons' lives, until they should take the said oath, the next of kin, being Protestant, should enjoy his lands until he died, etc.

Now had Protestants uniformly availed themselves of the provisions of this Act, it is difficult to imagine that any Catholic properties would have remained in the hands of their owners.

This was one of the negative contributions of our Protestant fellow-citizens to our welfare in those days of oppression.

On the positive side, I can quote nothing more telling than an account given by Fr. Wm. Amherst of a judgment passed by Lord Mansfield, when a priest had been cited before him.

Lord Mansfield, when Lord Chief Justice, put every obstacle he could in the way of the con-

viction of priests who were tried for saying Mass on the information of the infamous Payne . . . The only evidence that the accused was really a priest was that it was sworn that he had said Mass. Two things, however, had to be proved—one, that the accused was a priest ; the other, that he had said Mass . . . Lord Mansfield laid it down in his charge to the jury that each of the two facts . . . must be supported by independent proof. . . . His Lordship further observed that if the jury were to convict a man of being a priest on the ground that it had been sworn that he had said Mass they would run a great risk of convicting an innocent person. He said a man must be better acquainted with the ceremonies of the Mass than most Protestants were, in order to be able to swear that what he had seen was the Mass and not any other ceremony. And supposing that ceremony to have been correctly performed, even that would not prove the man going through it to be a priest.

. . . . .

His Lordship concluded by repeating to the jury that they must have some positive proof that the accused was a priest, such as his ordination papers or something equally authentic ; that that proof neither he, the Lord Justice, nor the jury would ever be able to get . . . In this way Lord Mansfield obtained the acquittal of Mr. Webb . . . For this . . . Lord Mansfield had his house pillaged and his own life endangered two years afterwards during the Gordon riots.[1]

Thus Catholics gradually regained, in spite of the law, something of their rights as citizens ; but they continued to owe such privileges to the simple good will of those amongst whom they lived.

At the time with which we are dealing there was

[1] *The History of Catholic Emancipation*, i. 88.

no further question in regard to the succession; Catholics were perfectly ready to accept the existing political and social conditions, and all they asked was to take their part as citizens in the life of their country without sacrificing an iota of their religious faith and duties; nor did they see any religious reason why they should not do so.

The subject of this memoir was one of the most prominent figures of the movement which ensued for the attainment of this end. He was a layman, and, as we shall see, it was sometimes the laity who had most reason to be interested in the measures under consideration. They had aims and requirements which were not always those of the clergy, and in pressing those claims they had sometimes to defend themselves on two sides: against Protestant prejudice, on the one side, against the claims of their own clergy on the other side. They were as earnest as the clergy themselves could be in obtaining for their Church the right of existence, along with the free exercise of religious worship; they fought for the protection of their priests and teachers from every form of oppression and persecution. But they were not always at one with them in regard to other ecclesiastical claims; hence we shall witness at times a three-cornered contest: between the Catholic laity and the State, between the Catholic clergy and the State, and lastly between the Catholic clergy and the Catholic laity.

And yet we must not draw a rigid line between the two latter parties. All through the discussions there were eminent members of the clergy on the side of the laity, as there were laymen on the clerical side. But there was undoubtedly a division in the two parties which might be described as lay and ecclesiastical. And although, as we have said, the Stuart cause was dead, yet for the clergy it was harder to abandon the traditional hopes of seeing a Catholic

sovereign on the Throne, and of reinstating Catholicism as the religion of the land, than it was for the laity. Indeed the latter were perhaps, by then, too ready to regard the existing state of things as satisfactory and inevitable.

But the fact was that, almost in proportion as the spiritual rights of the Church were regaining toleration, her political claims were falling into the background.

So that, so far from sharing the aspirations of the faithful, some of the clergy were inclined to regard with dread the active entrance of Catholics into a state and society wherein Catholicism itself had no status. They might gain certain advantages for themselves, but would they gain anything for the Church, and, furthermore, would they possibly lose some of their own characteristics, and become transformed rather than transforming factors ?

Thus Bishop Walmesley, Vicar-Apostolic of the Western District, wrote in 1788 :

> With respect to the liberty to be allowed to Catholics to obtain places in the Army and Navy I shall beg leave to remark the consequence that will probably follow with regard to religion. When so very few Catholics become mixed with such a multitude of Protestants, what religious duties can we suppose they will observe ? May we not, on the contrary, have all reason to fear that it will be the occasion of the loss both of their faith and morality ? Then, what may further ensue, these same young gentlemen may happen to succeed to estates, and become the heads of families, which will consequently be lost to the Catholic religion.[1]

There are those, I know, amongst my fellow-believers, for whom ecclesiastical authority possesses,

[1] Quoted by Dr. Bernard Ward from the " Clifton Archives "—see *Dawn of the Catholic Revival*, i. 6.

by reason of its sacred character and aims, almost unlimited rights. They would not express it thus, but would say, or at least imply, that a religious authority has the right to assign its own limits ; and that, should it claim the right to include certain matters of civil and political import within its domain, its subjects would have no right to question the justice of that claim. An authority once admitted as supreme in religious matters would have a corresponding right to decide what questions or interests were subordinate to religion ; to question this right would be to question the validity of religious authority itself.

The subject of this memoir would stand condemned at the bar of these judges ; but, I may add, so also would the majority of his fellows, the old Catholics who had borne the brunt of persecution and repression, and who had held up the Catholic Church with their hands when otherwise she must have foundered in their country.

A certain view of this history was so ably set forth by one man who took part in it, was so entirely accepted by other Catholic historians who followed, that it completely held the stage until lately. Dr. Bernard Ward, in his transparently honest history of those times, has done much to modify that view, and to reinstate the honour and credit of some of those opposed to the first-named historian. I shall have little or nothing to add to Dr. Ward's facts, nor can I sufficiently express my admiration for the work he did. I shall only venture to differ from him by a more uncompromising presentation of the lay side of the question ; although, as I should like again to remark, one can hardly term it the " lay " side when it had the sympathy and support of such men as the two Talbots—when it could claim something of the authority of Dr. Challoner, when a man like Dr. Lingard was surely to be reckoned amongst

its adherents. My ancestor was, socially, almost the leading figure, but the big brain of the movement was that of Charles Butler—strong, devoted, learned, clear-headed; a good lawyer, a devout Catholic. This man has again and again in the course of this study suggested to me just a faint recollection of a greater man—Sir Thomas More. He has certainly not as yet received his due of honour and gratitude from the English Catholic world which he so devotedly served.

CHAPTER II

Ancestry and Origin [1]

I do not know how other families would compare with ours, but there are probably few that have cared so little for purely personal reminiscences as did the Petres. It was a great disappointment to me to find that even those that had interested themselves in family records could give me hardly any details as to the early life, the education, the domestic habits and vicissitudes of the subject of this memoir. The biographical instinct is, I suppose, of later date ; and while our family archives abound in legal documents there are but scant records of life and personality.

However, it is in his public capacity, as one of the leading agents in the movement for Catholic liberty, that he is of interest ; and it is only to fulfil the ordinary expectations in the matter of biography that I trouble my readers, in this and one or two following chapters, with the very few personal details that can be furnished.

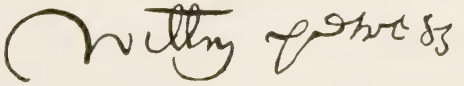
First, as to ancestry.

Robert Edward, ninth Lord Petre, was born 1742, in the same year that his father, Robert James, eighth Baron, died.[2] This father of his was a distinguished man in natural science and botany ; he was the patron and collaborator of Peter Collinson,

[1] Besides other records, I have found great assistance for the writing of this family history in some articles by Fr. Charles Kuypers, Chaplain of Thorndon, which appeared in the *Thorndon Magazine*.

[2] He was twice married ; first to Anne Howard, niece of the Duke of Norfolk ; next to Juliana Howard of Glossop.

SIR WILLIAM PETRE.



(Seal and autograph of Sir Wm. Petre from State Papers 1551, vol. 15.)

facing p. 14.

a well-known botanist, who was the correspondent of Linnæus. Writing to this great man in 1744, Collinson says :

> The death of the worthiest of men, the Right Hon. Lord Petre, has been the greatest loss that botany or gardening ever felt in this country . . . his skill in all liberal arts, particularly architecture, statuary, planning and designing, planting and embellishing his large park and gardens, exceeds my talent to set forth.

The same writer gave a still more touching picture of his friend inside the cover of a catalogue of the plants in Thorndon garden. He there says :

> He was a fine, tall, comely man. Handsome, had the presence of a Prince, but so happily mixt that Love and Au was begat at the same time . . . a great Mechanic as well as a Mathematician . . . a fine taste for architecture . . . a great Ardour for every Branch of Botanic Science, whoever sees his vast Plantations and his Catalogue will not doubt it . . . In his Religious way an Example of great Piety, Charity and Chastity, Strict in his Morals, of great Temperance and Sobriety, no Loose Word, no Double entendre . . . ever dropt from his lips.

Unfortunately our Lord Petre never knew this remarkable father, and the wonderful gardens had fallen into neglect before he attained his majority.

His mother and guardian was Lady Anna Maria Barbara Radclyffe, daughter of the third Earl of Derwentwater, who was beheaded for his share in the Stuart rising of 1715. The mother of this Lord Derwentwater was Lady Mary Tudor, a daughter of Charles II by the dancer, Moll Davis. His wife, in a personal interview with George I, pleaded for the life of her husband, but in vain.

A tradition obtained in the family that Derwent-

water died for his religious as well as his political faith, and could have saved himself by abjuring the former. Hence his memory has been preserved as that of a martyr, and it was with more than ordinary solemnity that his body was conveyed to Thorndon, and buried in the mortuary chapel in October 1874.

On that occasion Lady Catherine Petre,[1] the wife of one of his descendants, being regarded as the family laureate, was requested to celebrate the occasion in verse.

Weep not around this bier !
But smile and exult with a holy pride
O'er the faithful soldier, who bled and died
For his God, in that bygone year.

They offered the bribe of life ;
But his heart was set on the joys above,
And he loved the Faith with a passionate love
That feared not mortal strife.

And the holiest, dearest ties,
The cherished wife, and the babes she bore,
He hath yielded them up and would give yet more
For his God and the martyr's prize.

Rejoice on this glorious day !
When a martyr's bones have come to rest
' Mid the household graves of a race long blest
With the Faith's unsullied ray.

Chief of a noble name !
Rejoice that a martyr's blood is thine ;
Be this thy pride of ancestral line,
Beyond this world's poor fame.

And thou, Mother's heart, be bright !
For thy first-born [2] lifts anointed hands,
The first of the martyr's sons who stands
To offer the sacred rite.

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[1] Daughter of the Earl of Wicklow. She became a Catholic at the age of nineteen years and married the Hon. Arthur Petre, a younger son of Lord Petre.

[2] William Joseph, eldest son of the then Lord Petre—a priest—and eventually thirteenth Lord Petre. He founded a Catholic school, and did something to modernise the Catholic Colleges of his day.

Let one and all rejoice !
And lift to God a radiant eye,
With a faith to conquer and bleed and die,
At the bidding of His dear voice.

Thou noble dust, farewell !
We leave thee to thy last resting-place,
But we carry away a peace and grace
And a joy no words can tell.

Lord, hear our loving cry !
Restore the faith of our country's saints,
And give us the courage that never faints,
With the hope that will never die.

These simple lines recall the spirit of the old struggle for Faith and King, when the cause of the one was inseparable, in the mind of its votaries, from the cause of the other. The romance of the Stuarts was not wholly extinguished even then—like the corresponding fidelity of old French families to the Comte de Chambord, it could still kindle our hearts, and it yet remains a poetical memory of one's youth.

Thorndon Hall, the seat of Robert James Lord Petre's botanical achievements, had been in the family since 1573, when it was purchased from the Mordaunt family by John, first Lord Petre. He altered and added to the house, an Elizabethan residence, and his work was finished in 1595. The reason for his purchase of Thorndon was that his mother, the widow of Sir Wm. Petre, continued to reside in the earlier family residence, Ingatestone Hall, for her life.

Thorndon Hall was again altered, according to the plans of a Venetian architect, by the eighth lord, who died before his designs were accomplished. But a good deal had been done, and, *inter alia*, the chapel, which was always a chief feature in old Catholic houses, had been completed and consecrated by Bishop Benjamin Petre in 1739.

There is preserved a manuscript book of the "Rules to be observed" in this "Chapple," and these rules are of some interest in this place, since they give us an idea of the religious observances to which Robert Edward would have been subjected in his youth, and to which he would probably have more or less adhered throughout his life.

Although not specified, there would almost certainly have been Mass every morning, or nearly every morning, and it was prescribed that on Saturday this should be followed by "the short Litany of Our Blessed Lady . . . to obtain thro' her powerful intercession the blessings of Heaven upon this family."

Night prayers were said every evening, and were attended by the family, the household, and neighbouring Catholics. They consisted of the following somewhat formidable programme:

1. The Litany of the Saints (*in toto ?*)
2. The "Ave Maris Stella."
3. Two collects.
4. Night Prayers and examination of conscience.
5. The Confiteor — "Dignare, Domine" — "Visita"—"De Profundis."
6. The Blessing of the Priest—a Meditation and the Martyrology.
7. On Friday the devotions of the "Bona Mors" were added.

On Sunday there were two or more Masses, and, in the evening, Vespers and the usual night prayers, with monthly Benediction. On certain feasts there was Exposition of the Blessed Sacrament, and the Holy Week services were carefully carried out.

These regulations are of interest as showing that, in those days, long prayers were not considered detrimental to the piety of the young, nor do they

seem to have " disgusted them " with prayer in later life, as would now be apprehended. The opposite view is held in our days by clergy as well as laity, and the accepted policy is to make children and the young say as few and as short prayers as possible, in the hopes that they will say many and long ones later on. I do not know how far this policy can be regarded as successful.

Besides the mission at Thorndon, Lord Petre maintained the three missions of Ingatestone Hall, Writtle Park, and Condren Hall—all these came into the visitations of Bishop Challoner.

The plans of his father for the completion of the old house at Thorndon were eventually set aside by his son, who chose a new site, and erected a large and unbeautiful building on it ; grim without, and, I believe, not very convenient within. James Paine was the architect, and the new house was begun in 1764 and completed in 1770. The new chapel was opened by Bishop James Talbot on August 17, 1770, and it is still in use and maintained by the family. But the main portion of the house itself was burnt down in 1876.

I can remember the arrival of a messenger at our home, late one evening, to inform my father that his old home was on fire—and then his hurried departure to take part in the long work of salvage, which lasted, I think, some days. The papers were saved, the library, and a good many of the pictures ; but a few of these perished, and amongst them that of Moll Davis. The two wings are still standing—the centre and main portion are an empty shell.

The same family laureate commemorated the tragedy.

> I stood by the dark old pile :
> The mighty shell of a glory dead,
> The ruin whence beauty and life had fled,
> I stood and I gazed awhile.

My heart was heavy and sad,
For I knew of the many and bitter tears
That flowed at the thought of bygone years
From eyes that were bright and glad.

The children's home is gone !
For the sword of flame hath barred the door
Of their earthly Eden for evermore ;
And its place is drear and lone.

Only the silent walls
Stand out with a stern and solemn grace
Around the vast and desolate space,
The once majestic halls.

Look up, true hearts and brave !
And think, 'mid the anguish that ye have felt,
' Neath the heavy stroke that God hath dealt,
Of your home beyond the grave.

A home not built with hands,
But strong with the beams of each earthly cross
So meekly carried, through pain and loss,
Wherever your Lord commands.

And though your eyes be dim
With tears, from old memories, sad or sweet,
Brave souls, e'en now at your Father's feet
Raise a thanksgiving hymn.

Thank Him who leaves so much !
The loving hearts, all closely bound,
That make a home and a hallowed ground,
No earthly fire can touch.

Great gifts to you are given,
And none more great than the calm strong will
That has learned to take both good and ill
As steps on your road to Heaven.

Thus perished the more perishable work of Robert Edward, Lord Petre, and the house was never rebuilt.

The family has now returned to its older and more historic home, Ingatestone Hall.

Pursuing our course backwards, the next figure of note is the "adventurous baron" of "The Rape of the Lock"—Robert, seventh Baron—who in sportive mood stole a lock of the beautiful Belinda's hair.

It seems a pity that the romance did not end as it should have done, but I suspect there was more of boyish mischief than of sentiment in the adventure, and those who have had some familiarity with the high spirits of old Catholic families, when cousins were gathered together in their tens and twenties, will probably share my judgment. A cousin of mine, who went much into society in the 'eighties and 'nineties, told me once, laughingly, that when he was on his way to a Catholic party he would tell the cabman, when he had arrived in the street of his destination, to drive to the house "from which all the noise was coming."

Robert Petre shortly afterwards married a beautiful heiress—Catherine Walmesley. The story of his suit has been preserved in an illuminated description of the family portraits by one of his descendants. It seems that the lady had three suitors—Lord Stourton, Lord Clifford, Lord Petre. They were all dining in her house one evening, and were anxious to find out, in a delicate manner, who was the man of her choice. As they were leaving it began to rain, and Catherine leaned over the banisters to ask the servant "if Lord Petre had his coat." The hint was taken by the other two!

This Lord Petre succumbed to an attack of small-pox in 1712 at the age of twenty-four years. He was not by any means the only victim of his family to this awful disease, of which his own son eventually died, and of which many others of his family had already perished. I think it is not likely that members of our family will ever join the band of conscientious objectors to the rite of vaccination any

more than our large bands of younger children will be found amongst the advocates of birth control!

We may omit any special mention of the sixth and fifth Barons, who were brothers, and come to the fourth, a brother of the last two, for, as in my own generation, three brothers succeeded in turn to the title and estates.

William, the fourth Baron, may be almost reckoned as a martyr to his religion. He was one of the many innocent victims of the Titus Oates plot, was thrown into the Tower and there left to die, after five years of detention, without even being brought to judgment.

Shortly before his death he wrote the following letter to his King:

May it please your Majesty:

I give myself the hopes that your Majesty will pardon this presumption of a dying but dutiful subject in giving you the trouble of this short account and declaration of myself, by which in the first place I offer to God my hearty prayers for your Majesty's long life and happy reign, with all the blessings of this life and eternal happiness of the next; I having been now above five years in prison, and what is more grievous to me, lain so long under a false and injurious calumny of a horrid plot and design against your Majesty's person and Government, and am now by the disposition of God's Providence called into another world, before I could by public trial make my innocence appear; I conceived it necessary for me, as an incumbent duty I owe to truth and my own innocency, to make this ensuing protestation to your Majesty and the whole world. That whereas one Titus Oates hath maliciously and falsely sworn that he saw me receive a Commission directed to me by Joannes Paulus de Oliva, constituting me Lieut. Gen. of

an army, which he pretended was to come into England; I declare in the presence of the All-seeing God, before whose just tribunal I am shortly to appear, that I never saw any such Commission directed to me or any other person whatsoever, and do firmly believe there never was any such; but of the folly as well as the falsehood of the information, the sober part of mankind, as I conceive, (are) sufficiently ere this convinced.

And as for those aspersions which the ignorant and malicious have thrown upon the Roman Catholick Church (of which I am, and by the grace of God do die a member) as if murdering of kings, and taking up arms against our Sovereigns were an authorized principle of that religion; I do knowingly affirm there is nothing with more horror detested by the Catholick Church, as being expressly contrary to the command of our Saviour and Christian doctrine, and as such I renounce and detest it, as I do all plots and conspiracies against your Sacred Person.

Having thus briefly and with all sincerity of a dying man discharged my conscience, I shall end where I began, and with my last breath beg of God to defend your Majesty from all your enemies, and to forgive those who by their perjuries have endeavoured to make me appear to be one, who living and dying am (as in duty bound)

Your most obedient and loyal subject,

W. Petre.

Did Charles II sleep soundly the night after he received that letter? he whose own child was to be the grandmother of one who died for the futile cause of his family? What wonderful love the Stuart family has inspired! and how little it has given in return!

The prevailing bigotry is manifested in pamphlets

that appeared at the time, violently supporting the cruel treatment of William Petre.

The father of William, fourth Baron, Robert, held the title but a few months, though he left behind him a family of five sons and two daughters. His wife was a daughter of Viscount Montague, and she survived him many years.

When we come to his father, William, the second Baron, who succeeded to his own father in 1613 and died in 1637, we find the family, for the first time, sacrificing worldly advantages to faith and conscience. Father Kuypers has been very merciful in his judgment of previous representatives of the family in this respect, yet I cannot but think there is truth in what he says of the one with whom we are now dealing :

> Here, then, begins the eclipse, in a worldly sense, of the Petre family. The choice is made between God and mammon, principle and temporal interest. Henceforth there is to be no compromise, and until the day of Catholic Emancipation dawns, each successive holder of the barony will experience the force of the iniquitous penal laws.[1]

The same cannot be said of this man's father and grandfather, and, with all allowance for complicated circumstances and involved issues, we must hold that there is a difference in religious faith and fervour between men who suffered from a religious crisis and men who drew profit from it.

We are told by Father Henry More, S.J., chaplain of this William Petre, how he was

> first dismissed from the county magistracy, and then stripped of his office of Armourer (though, appreciating its dignity and his own high rank, he had arranged the armour with great care), indeed

[1] See articles cited above, *Thorndon Magazine*.

when the office was given to another, the armoury was still annually embellished at his own expense.

(We are reminded here of the equally characteristic action of his descendant in regard to the regiment he had equipped.)

At length, being refused a reinstatement to his offices unless he would abjure the Supremacy of the Sovereign Pontiff, and the Pope's right over princes, which he refused to do, he remained in disguise until his pious death a few years subsequently. After bidding the bystanders farewell, he exclaimed as he expired, "I am going thither where I shall never more offend God." [1]

"The Pope's right over princes!"—that sentence should be noted. This was to be a point on which Catholics were to differ—as they had already differed—not only from Protestants but also amongst themselves. This was an assertion which his father and grandfather would have definitely repudiated, even had they been more staunch in the matter of the spiritual supremacy. This was the point of doctrine which largely inspired the persecuting spirit in Elizabeth and other sovereigns, and which was to be crucial in the disputes that took place in the Catholic body itself, as well as between Catholics and Protestants in the times with which this memoir will deal.

William Petre married Catherine, second daughter of the Earl of Worcester; and this is the marriage which was celebrated by Spenser in his "Prothalamion," along with that of Catherine's sister to Sir Henry Guildford:

Two gentle Knights of lovely face and feature,
Beseeming well the bower of anie Queen,
With gifts of wit, and ornaments of nature,
Fit for so goodly stature,

[1] From More, *Hist. Prov. Angl.*—quoted by Fr. Kuypers.

That like the twins of Jove they seemed in sight,
Which deck the Bauldricke of the Heavens bright ;
They two, forth pacing to the Rivers side,
Received those two fair Brides, their Loves delight.
Which at th' appointed tyde,
Each one did make his Bryde.

Pursuing our backward course, we come next to John, first Baron of Writtle, who was born in 1549, at Ingatestone. He was the son of an important man, and must have seen a good deal of public life from his earliest youth. He married Mary, daughter of Sir Edward Waldegrave, who had been imprisoned in 1551 for refusing to prevent or prohibit the saying of Mass in Princess Mary's household at Copped Hall. This is a curious coincidence ; for whereas his father-in-law had suffered for this refusal, his own father, Sir William Petre, had been despatched, along with Sir Anthony Wingfield, that same year, to carry this prohibition to the Princess. One is therefore led to suppose that the wife of the first Baron, and mother of the second, played some part in the Catholicising of the family. This same Sir Edward Waldegrave died in prison for his faith.

John Petre himself seems to have inherited the shrewd and cautious temperament of his father, and incurred no temporal sufferings for the cause of religion. Yet his sister Elizabeth, wife of John Gostwick of Willingdon,[1] was more than once admonished and fined for not attending service in her parish. As the old parish record, which is now to be seen on the wall of the parish church, attests :

Matron Gostwick cometh not to the church to hear doctrine, etc.

A rector of that same church in 1588 was named Augustus Topcliffe—a name of sinister memory to Catholics.

Once more, in the conflicting histories of a family,

[1] In the county of Bedford.

MARY, DAUGHTER OF SIR EDWARD WALDEGRAVE.

WIFE OF SIR JOHN PETRE AND MOTHER OF THE FIRST LORD PETRE WHO SUFFERED FOR HIS FAITH.

facing p. 20.

we realise how confused the issues yet were. Only the fact remains that there was a principle for which some were prepared to suffer and die, while others overlooked or evaded it.

John Petre it was who purchased the Manor House of West Horndon, which became Thorndon Hall, and the chief seat of the family. There was a domestic chapel on the upper floor, and one greatly wishes that it were possible to know what kind of services were held in it; but as John Petre's wife remained a fervent Catholic, I am inclined to think that the chapel was chiefly devoted to her use and her purposes.

We must remember that the attempted Spanish invasion took place in 1588, and that, for a man of John Petre's position, there must have been some difficulty in keeping the religious and the political issues clear and separate.

But anyhow we have, from the Catholic point of view, the somewhat damning fact that he served on the Commission against Jesuits and Seminarists, though, here again, there may have been some excuse of a political character.

We come last, in our ascending history, to Sir William Petre, the founder of the family's rank and fortunes; he was born in 1505 and died in 1572. Of him it is not necessary to give many particulars, since he may be regarded as an historical character, and his biography can be found in the usual books of reference.

He came from Devonshire, being the son of a tanner. He was educated at Exeter College, Oxford, and it was through his tutorship to Anne Boleyn's brother, George, that he came into notice and favour at court. He had a successful career under Henry VIII, Edward VI and Mary—he even attended council occasionally under Elizabeth. He took considerable part in the suppression of the monasteries

under Henry VIII, and acquired a certain amount of church property, in the possession of which he was confirmed in the reign of Mary by a Bull of Paul IV.

Fr. Kuypers has spoken very generously in defence of his religious character, and has rebutted the ordinary charge made against him for the possession of church property, which, as he maintains, was, in many cases, lawfully acquired.

I own to feeling unconvinced; and I cannot think that his descendants can look back on him as their progenitor in Catholicism. Whether he died a Catholic or a Protestant; whether he lived, in any sense, the life of a practising Catholic, save during the reign of Queen Mary, when it was good policy to do so, is a question which none of us can answer without long research, if ever. But to me the plain facts remain that:

1. In a time of religious change and crisis he kept on the right side with each successive sovereign, and that he flourished and grew fat under circumstances which were fatal to men like Sir Thomas More.

2. That he was the vicar-general of Thomas Cromwell, and an active factor in the suppression of the religious houses—from which he drew considerable property.

3. That he took a prominent part in religious matters under the three reigns—helping to draw up the Six Articles under Henry VIII; holding the Great Seal in ecclesiastical affairs under Edward VI; assisting Mary in the restoration of the Catholic religion.

From all this I deduce the conclusion that we, his descendants, cannot look back to him with pride so far as faith and religion are concerned; that we may be proud of him as a great statesman, but not as a great Catholic. He was a generous and munificent giver to many charities, but that does not make him a man of staunch religious

principles. There are times when a man cannot combine success and comfort, and those were certainly times when religious loyalty—on one side or the other, Protestant or Catholic—was not conducive to a smooth and successful life.

Hence, if Sir Wm. Petre left a Catholic progeny behind him, I am tempted to ascribe the fact, as in the case of his son John, to the maternal, rather than the paternal, source of that progeny.

Sir William was twice married—in both cases to a lady of the name of Tyrrell. His first wife was Gertrude, daughter of Sir John Tyrrell of Warley, Essex; his second wife was the widow of Sir John Tyrrell of Heron, Essex. Of his children one, as we have already remarked, married John Gostwick, of the county of Bedford, and suffered some inconvenience for her faith; another, Dorothy, married Sir Nicholas Wadham, founder of Wadham College, Oxford. Thus the family can claim connection with two colleges at Oxford, for Sir Wm. Petre did so much for Exeter College as to be regarded as a second founder, and his portrait still hangs in the hall. His son John carried on the work.

William Petre was a man who thought much, did much, and said little. A story is told of him on the occasion of his attending a meeting at Boulogne in 1550, to arrange terms of peace with France. "Ah!" said the Duc de Chatillon afterwards, "we had gained the last 200,000 crowns without hostages had it not been for that man who said nothing!"

His descendants, as I have known them in the persons of my father and uncles, possessed something of this gift of strong silence.

CHAPTER III

Grand Master of the English Freemasons

Robert Edward was thirty years old when, in the year 1772, he succeeded the Duke of Beaufort as Grand Master of the English Freemasons. He was not the first Catholic to hold that exalted office, but he was the last, though some of his descendants belonged to the Fraternity until a much later date. One of my own uncles was a Freemason until the prohibition issued by Pius IX in 1865. Many other Catholics were affected by the prohibition at that time, and the majority renounced their membership, though a good deal of discontent prevailed on the subject.

As a child I often heard Catholics say that the objections on which this prohibition was grounded were quite unjustified by English Freemasonry. On this question it is not for me to pass a judgment, but I fancy there has been a good deal of irresponsible discussion of Freemasonry, both English and Continental, by those who know little about it; and from a particular case, which I shall presently quote, it may appear that some forms of Continental masonry can also well vindicate their political and religious integrity.

But this condemnation of Pius IX was by no means the first in the history of the Fraternity.

In 1738 Pope Clement XII issued the Bull "In Eminenti" against Freemasonry—prohibiting its meetings and excommunicating all Catholics who took part in them.

Now this Bull was not published in all Catholic countries, for in some such it could not be promulgated without an accompanying civil authorisation. This was the case in France, and it was one reason why a certain opposition sprang up between Freemasonry and the Catholic Church: an opposition which may have partly caused the growth of an anti-clerical spirit amongst Continental Freemasons.

In England, of course, the Bull would not have been published, Catholicism being still outlawed in that country and there being no established ecclesiastical hierarchy.

It is curious to note that there was, as we have seen, an opinion amongst the Catholic laity, in the latter part of the eighteenth century, that the re-establishment of bishops in ordinary would lessen, rather than increase, the influence of Rome in matters of Church government. It was, in fact, the exact opposite which eventually occurred.

Dr. Milner, more learned than the laity in such matters, was probably well aware of this possibility, and the knowledge of it may have instigated his persistent opposition to the substitution of bishops in ordinary for Vicars Apostolic.

In 1751 Benedict XIV issued another Bull of condemnation, termed "Providas," in regard to which the same may be said in so far as England was concerned.

Further condemnations followed in 1821, 1825, 1829, 1832—all these dates being prior to the re-establishment of the Catholic hierarchy.

It was only, therefore, in 1865, when the edict of Pius IX appeared, that the prohibition became a live question for English Catholics.

The chief grounds for condemnation, as set forth in these various promulgations, are:

(1) The principle of religious tolerance, or indifference, according to which, as Benedict XIV

points out, "men of every religion and sect are associated together."

(2) The bond of secrecy.

(3) The supposed tendency to civil and religious revolution—one of the main accusations in the charge of Pius IX in 1865.

(4) The oath of allegiance exacted of its members. This last has been qualified, by some, as a "blind oath," on the supposition that those who took it did not know to what they might be pledging themselves. How far this supposition is true is a question which cannot be answered without knowledge that we do not possess. An ordinary oath of allegiance, to a sovereign or a government, is qualified and limited by the laws which regulate both sovereign and government. Did a sovereign, whether civil or ecclesiastical, claim unlimited power and authority, and demand unqualified allegiance, such an oath of allegiance would also be a "blind oath." Hence, while unable to judge the question in regard to Freemasonry, we can still say that if any members of the Fraternity are required to swear unqualified allegiance to an authority whose limits are to them unknown and undefined, or to undertake obligations to the fulfilment of unexplained duties or behests, of which the aim and object are concealed from them, in such case they are required to take what may be described, according to the above term, as a "blind oath."

Against such an oath a civil government might raise objections on political grounds, and an ecclesiastical government on religious grounds.

But neither would have a right to object to an oath of secrecy or allegiance of which the limits, contents, and aims were known to the person taking such an oath, and were in accordance with the dictates of his conscience.

It is, however, obviously the secrecy of this great

association, with its resultant power, that has roused suspicion in the minds of political as well as ecclesiastical rulers ; just as our own religious orders have often been regarded with distrust by civil authorities.

It is, however, both curious and instructive to know that Joseph de Maistre, the great Ultramontane philosopher and writer, the great advocate of ecclesiastical authority and the rights of the Holy See, was an ardent Freemason about the same time as Robert Edward Petre.[1] It was in 1782 that he addressed to Ferdinand, Duke of Brunswick, a most interesting memoir on the ends, constitution, and future development of Freemasonry.

De Maistre was then at Chambéry, where there were four distinct Lodges of Freemasonry. The first was united and subordinate to the Grand Lodge in England, of which Robert Edward was Grand Master. The second, that of " Perfect Union," was connected with the " Grand Orient " of Paris ; the third was that of the Scotch Reform, termed " Perfect Sincerity " ; the fourth, *bourgeois* in character, had Philippe Égalité for its head.

Now de Maistre belonged originally to the first of these branches, but found it " childish," to use his word, and joined the Scotch Reform, in the Lodge of " Perfect Sincerity." This branch was characterised by a greater element of secrecy, by its claim to descent from the Order of the Templars, and by certain religious and political aims which it derived from that supposed descent. It had also an Order of the higher initiates and a strongly marked occult character.

De Maistre was in sympathy with this element of occultism, but passionately defended the Fraternity from the charge of Jacobinism, and made light of

[1] On all this point see a most interesting volume published by F. Rieder et Cie, Paris, in the series " Christianisme." It is based entirely on original documents.

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the supposed descent from the Order of Templars. He always maintained that, though there might be revolutionary Freemasons, Freemasonry itself was not revolutionary.

In his beautiful letter to the Duke of Brunswick he puts forward what he regards as the true aims of Freemasonry.

It should be a principle of union both political and religious ; proposing

> to men divided by interest and national jealousy and by their political, religious and philosophical systems, to unite in mutual understanding, and to sign an eternal treaty in the name of heaven and humanity.[1]

It should have for its aim :

> the instruction of governments and the reunion of all Christian sects.[2]
>
> We must establish committees of correspondence, composed chiefly of the priests of different communions belonging to us. We must work slowly but surely . . . as, according to the telling description of an ancient Father, the world was once astonished at finding itself Arian, so modern Christians must be surprised to find themselves reunited.[3]

He further insists that no Brother should be admitted to the second grade unless he confess the Divinity of Christ ; and he repudiates the supposed pagan origin of the Order.

He defends the oath of secrecy, though admitting the need of further examination of this point ; and he declares that there are duties which come before those of obedience to the Order, because a man is a citizen before being a Mason.[4]

[1] *Op. cit.* p. 52.
[2] *Idem*, p. 97.
[3] *Idem*, p. 103.
[4] *Idem*, p. 99.

He ardently defends the solemn and mysterious ritual :

> Thirty or forty people, ranged in silence along the walls of a room hung with black or green, themselves clothed in special garments, and not speaking without permission, will discuss any proposition with wisdom. Pull down the tapestries and change the garments, put out a light, change the order of the seats : you will see the same men disputing, misunderstanding each other, talking of news and women,[1] etc.

Freemasonry has had varied fortunes ; but when one peruses a document such as this one, one is not surprised that Christians and Catholics have been counted amongst its members.

When I was allowed to visit the Temple of the Freemasons' Hall in London[2] I was deeply impressed by its silent solemnity and felt that it would, indeed, be difficult to stand in such a place and repudiate the spiritual beginning and end of man, and his abiding relation to God his Maker.

Through the kindness of Mr. Wm. Wonnacott,[3] Librarian of the Grand Lodge Library of Freemasons' Hall, I have been able to gather a few details as to Lord Petre's term of office.

As in his action on the Catholic Committee, he seems to have given proof of conciliatory and judicial gifts, and to have been a useful man in his post.

On May 1, 1775, he laid the foundation-stone of the new Freemasons' Hall in Great Queen Street, London. According to the description he "deposited

[1] *Op. cit.* pp. 87–88.

[2] I had the good fortune to pay my visit at a moment when it was possible to admit me.

[3] I regret to say that Mr. Wonnacott died in July 1926. His successor, Mr. Makins, has been equally kind and obliging.

the stone with the usual formalities" ; he tested the corners with the square, he struck it three times with the mallet.

The following hymn was used on the occasion :

To Heaven's high Architect all praise,
All praise, all gratitude be given,
Who deigned the human soul to raise
By mystic secrets sprung from Heaven.
Sound the great Jehovah's praise,
To Him the dome, the temple raise.

The inscription records the fact that when he laid the stone "Freemasons were held in great honour, and the English Masons' Lodge was, by the whole Brotherhood, throughout the world, made to preside over the Masonry."

The Masonic inscription, which may be seen in a prominent place in the Hall, was not unsuitable to the descendant of the silent man who discomfited his French opponent in a diplomatic interview—

Audi—vide—tace.

One notes, also, the use of the text

From Heaven it descended.

taken from the 21st chapter of Apocalypse, and used in the Roman Missal on the anniversaries of the Dedication of Churches.

And another Freemason text is the old and wise one—

Know Thyself.

One or two of Lord Petre's letters are preserved, addressed to the then Secretary, James Heseltine. One of them regards the welfare of two French officers who were applying to the Grand Lodge for help and succour : an action in harmony with the beautiful ideal of de Maistre, expressed in the document from which we have already quoted :

Our close correspondence with Brethren of other lands and our duties towards them—by which is constituted an *universal republic*, are also a matter of great importance.

(He goes on to suggest the means by which Brethren in strange lands may have access to those amongst whom they find themselves, and may profit by their help and protection, and concludes :)

Every brother furnished with such a letter should be assured of finding everywhere—in the name of the code—courtesy, protection and kindness.[1]

I conclude this short account of Lord Petre's activity as a Freemason with the following notes, drawn from Freemason records, and kindly sent me by Mr. John F. Thorp, F.R.Hist.S., etc., of 54 Princess Road, Leicester :

Among the many distinguished Freemasons who, during the last two centuries, have occupied the position of Grand Master of the Order, Lord Petre will always occupy a place in the front rank. His zeal for the Fraternity and his devotion to its best interests endeared him to all the Brethren of his time, while the services he rendered to the Order, during his five years' tenure of the Grand Master's Chair, are still bearing fruit to-day.

In an age of religious bigotry he rose superior to the partizanship of all faiths and creeds, and although, like all his ancestors, a Roman Catholic by profession, he was a true and liberal Christian, possessing a mind that soared above all the unworthy actions of religious prejudice. His broadness of mind was linked with a generous disposition and kindness of heart, for after his Lordship's

[1] *Op. cit.* pp. 91–92.

death it was discovered that he annually expended the sum of £5000 in charitable benefactions.

Lord Petre was received into the Masonic Order in the Lodge of Friendship, London, on March 13, 1771, on the proposition of the Duke of Beaufort, and early in the following year was nominated by the same nobleman to succeed him in the Grand-Mastership, which proposition was received with enthusiasm. He was installed as Grand Master on May 4, 1772, and continued to preside over the Order until May 1777.

It was during this period that the Grand Lodge acquired property in Great Queen Street, London, and adopted a scheme for raising money for the erection thereon of a Hall for the meetings of the Brethren. This proved eminently successful, so much so, that the foundation-stone of the edifice was laid by his Lordship with much pomp and in solemn form on May 1, 1775. The work proceeded apace, so that on May 26, 1776, the Hall was dedicated by Lord Petre, the reigning Grand Master, to "Masonry, Virtue, Universal Charity and Benevolence." To the fund for the erection of this building, Lord Petre subscribed £325, a sum exceeding any other contribution of either Lodge or individual.

During his Lordship's tenure of office, great progress was made towards increasing the reputation and stability of the Grand Lodge, a movement to which Lord Petre readily lent both his purse and his influence, with most satisfactory results.

Lord Petre died, deeply lamented by all the Masonic Fraternity, on July 2, 1801. His liberality and amiable character had won the esteem of all the Brethren, while his zeal as a Freemason, though it may have been equalled, has never been surpassed.

CHAPTER IV

Visit of George III

One of the events of Lord Petre's life was the visit of George III to Thorndon, which took place in 1778, after the foundation of the first Catholic Committee, and after the passing of the first Relief Act. It occurred between the passing of that Act and the subsequent No Popery riots of 1780.

Of this visit Petre kept a diary, and if his joy and delight appear, therein, almost excessive, we have to remember that it was, to him, more than the visit of a king, it was the recognition of his own Catholic self as a true English citizen and a loyal subject of the realm.

It was easier for those families that stood entirely aside from public life to forget the stigma that was attached to them in the eyes of their fellow citizens ; and this was perhaps one reason why the Northern Catholics were less active in the cause of emancipation than those who lived nearer London, and were brought into continual contact with Protestant society.

But to men like Lord Petre the "apartness" of their position must have been an ever conscious source of distress, and in the light of this fact we must understand the enthusiasm with which he prepared for this visit, and the satisfaction with which he looked back on it afterwards.

George III was an expensive visitor ; the total

cost of his two days' visit was £1001 7*s*. 2*d*.—a considerable sum in those days.

The Journal is as follows [1]:

Tuesday, September 22. Lord Amherst reviewed the Troops on Warley Common dinned at Thorndon with the Genls. of the camp and the officers that attended him after Dinner he signified to me the Kings approbation of the offer I made him of this House and was pleased to permit me to have the Honnor to receive & entertain his Majesty during his stay in Essex. That evening sent for Mr. Bracken my upholsterer.

Wednesday 23rd Mr. Bracken arrived early in the morning on his being asked whether it was possible to new furnish the Great Drawing Room Dressing Room for the King Dressing Room for the Queen & the Bedchamber by Monday the 2nd of Oc^br. [*sic*] his answer was it should be done if the Damask was to be had my directions were the damask must be of English manufacture & he must return to Town directly to serch for it.

Same day Davy House Steward went to London to provide cooks confectioners order Perigor pyes Ruffs & Reeves send down painters Repair & Beautify the staircase order Gold Plate for the King candlesticks soup plates knifes & forks all new on the occasion.

Thursday 24 Mr. Braken returned with Paterns of Damask but not enough of English manufacture for any one of the Room but sufficient of India a very beautifull green was chose for the Drawing Room & the Kings Dressing Room & low coulourd Damask for Bedchamber & the Queens dressing Room Mr Bracken went Back directly to London

Friday 25 All this day Mr. Bracken was in

[1] The spelling is as in the original text.

ROBERT 7TH. LORD PETRE.

THE HERO OF "THE RAPE OF THE LOCK."

facing p. 40.

Town getting things together and preparing to come down Davy returned with variety of paterns of candlesticks & Knives and Forks

Saturday 26th Davy returned to London to order what was fixed on. Mr. Bracken arrived with the silk & an upholsterer to begin to cut out &c.

Sunday 27

Monday 28th Two coach full of Woemen upholsterers guilders japanners cabinet makers arrived by all sorts of publick carriages during the course of the day as also painters to the number of 70 with woemen and men hired in the country made about 100 that they might Lose no time all that came from London eat & lay in the House.

Tuesday 29 Work went on Briskly Davy & Mr. Bracken continuing to go to Town every evening to order down a variety of things & returning in the day to conduct the works going on in the House. No certain news what day the King will come all preparations making for Monday the 2d. [*sic*] this makes me very very uneasy

Wednesday 30 Two coachs with French cooks containing nine with their moulds their troufles &c.

Thursday Oct^r. 1st More cooks and confectioners Things of all sorts are obliged to be prepared Tho' no certain intelligence of the Kings coming on Monday.

Fryday O^tr. 2^d About 3 o'Clock arrives an express from Lord Amherst to say that the instant he knew the Kings pleasure he sent to acquaint me that His Majesty had fixed Monday the 19^th in^s. at the quarter past Three for his arrival at Thorndon The cooks are now stoped from proceeding and the great Hurry about finishing the Rooms is also at an end from this time every think went on at our Leisure

Saturday 3d Cooks & confectioners posted back to London again everything of the eatable sort bespoke again for the week after the following as much stopped as possible at present

Sunday 4th Some of the officers and other company dinned at Thorndon to eat those dishes that would not keep, very good things

Monday 5th Work goes on easily some of the work men & woemen sent back to London

Tuesday the 6th a Dinner of 16 to help to eat what was prepared

Wednesday 7th nothing particular

Thursday 8th A Dinner again as before

Fryday 9th } Nothing but workmen to
Saturday 10th } direct & manage

Sunday 11th Some Officers dinned

Monday 12 Dined out Ball in the evening at Brentwood

Tuesday 13th Two or Three cooks returned & some Officers dined with me

Wednesday 14th All the cooks arrived to the number of 14 besides two in the House four confectioners the Hurry this day recommences the scullery & Laundry both made in to Kitchens as also prepared for the Dressing dinner for the Kings guard in the stable court. This day & every day till Sunday included Davy went out with the proper carriage to collect all the plate which consisted of the Duke of Norfolks of Mr. Conyers's Lord Waldegraves Lady Mildmays all that I could hire in London my own & new gold plate I had made on the occasion consisting of Two pair of Candlesticks 2 Doz of Plates four Soup two Dozen of Knives & forks

Thursday 15th Every thing preparing with great alertness and I must ad without the least confusion all the dinners & suppers were this day fixed

The Kings Table the first day was to be for sixteen
The Queens ditto for 14
The Aid de camps for 14
Mrs. Hargerdorf for 8
Second Table for the first day
Pages Queens woman Two from the stables 10
Third Table
For 26
Kings Guards & One Hundered men From the camp

Second day
The Kings Table for 30
The Queens as the day before
The Aid de camps ditto
Mrs. Hagerdorf Ditto
& the Rest ditto
Suppers & Breakfasts in proportion
Our own Family besides 40 in the stewards Room
The others without number

Fryday 16th All things going on well & prosperously

Saturday 17 Ditto game of all sorts arrived

Sunday 18 Lord & Lady Amherst Genls. Morrison & Faucet Lord Churton, Capts. Boscawen & Johnson, Mr. Moss Lord Amherst Secry. came to dinner The House was quite complete & as quiet as if nothing was going on Lady Petre & I had given our last directions & instructions to every Body what they were to do how to wait how & when to serve dinner & every particular I resolved to say no more but settle quite at my ease & think of nothing but what I was to do myself to receive their majestys with all respect and attention possible

Monday the 19th His Majesty was acquainted by Lord Amherst (Lord Churton carriing the Letter to the place where the King was to change Horses) that I & Lady Petre hoped to have the Honnor of Kissing their Majestys hands on their arrival & that I hoped to have the Honnor of Handing the Queen & waiting on their Majestys at dinner.

The morning passed in dressing & fixing a few trifling things at Ten minutes after Three behold in the Avenue the finest sight of the kind I ever saw The sun bright out the Army Drawn up on each side innumerable people & the King & Queen appearing with their Equipages Horse Guards & attendants and numberless Horsemen who had been at my desire to meet them having my tenants with my steward at their Head & every Body Els he could collect The Park of Artillery saluting all the time the Echo of the woods the shouts of the people Rapidity with which the Kings chaise run the Lawn in an instand covered with Horse men the Horses panting made the whole resemble an inchantment for I verily believe from the time of the Royal chaise appearing at the top of the Avenue a mile and a half full from the House to their majestys coming up to the door did not exceed five minutes Lady Petre and I received them I handed out the Queen & upstairs while Lady Petre and the King walked on together I led the Queen through the Hall outward Drawing Room so into the great Drawing Room (from Henceforwards I shall call the Presence chamber) where two state chairs were placed we then had the Honour of kissing their Majestys hands They soon took off all form by their most affable manner asked directly to see the House I handed the Queen the King walked forwards with Lady Petre as before all

their suite following which consisted of Lord Lothian gold stick Lord Carmarthen Chamberlain to the Queen Lady Egremont Lady of the Bedchamber Gen^{l}. Carpenter Equerry to the King Col : Harcourt & Col: St. John Aid de camps to the King & Lord and Lady Amherst we returned to the presence chamber where we passed something less than an hour while the tables were laying for dinner they not being able to be set while the King was seeing the House when dinner was ready I handed the Queen to her Table in the Parlour where her place was prepared alone she instantly directed Lady Petre Lady Egremont & Lady Amherst to sit down stools were ready for the ladies I then retired and acquainted his Majesty that his Dinner was served He dined in the Great Hall a cover only being placed for him he also directed us to sit down & stools were pushed forward instantly Lord Lothian Lord Carmathan Lord Amherst Gen^{l} Peirson Gen^{l}. Carpenter Major Gen^{l}. S^{t}. David Lindsay (as comanding officer of the day) Major Gen^{l}. Morston Major Gel. Faucet Col: Harcourt Col: St. John & myself who sat on the Kings Left hand to be ready to serve him He permitted me to get up & give him his first glass of Drink after that he ordered the wine round to his other Hand to prevent my having the trouble of giving it him after Dinner I asked His Majestys permission to Drink the Queens Health We all stood up his Majesty continuing setting but drank the Health in a bumper with us as he did all the other Toasts with the same ceremony. The Royal Family next drank success to his Majestys arms by sea & Land & prosperity to all his Majestys Loyal & faithfull subjects The King presently took an opportunity to call for a glass of Burgundy by himself & turning to me said this is to drink your Lord^{ps}

Health and all this good company On that I got up and desired leave to do what I did every day of my life which was to drink his Majestys Health after this we sat sometime at Table his Majesty keeping up the conversation with great chearfullness and affability About eight o'clock he got up from Table when I had the Honnor to pour water on his Majestys hands out of fine old Ure & then conducted him walking backwards with to candles in my hand to the presence chamber Lady Petre & I than served their Majestys with Tea & coffee The Gentlemen now were come into the outward to drink their coffee the King went to them and talked with the Genl^{s}. about the Army chiefly and with me concerning the camp for about half an hour then the King retired Back into the presence chamber & every Body went away except the Kings suit, Lady Petre & myself He than proposed playing at commerce & the party was made up of their Majestys Lady Petre Lady Egremont Lady Amherst Lord Carmathan Lord Lothian Col: S^{t}. John Col: Harcourt who won the pool & myself it lasted till near twelve o'clock Supper was then ready a Table For each as at Dinner I handed as before the Queen the King did not set down the Ladies supped with her Majesty in the Hall a sort of publick supper many People in shape of attendants stood at the Bottom of the Room the King & all the gentlemen round the Queens chair at top some time after supper was over their Majestys retired I lighting the King & Lady Petre the Queen to their Rooms This was about one o'clock we then went to supper ourselves at ease got to bed before three was up very early next morning, breakfasted all together in the parlour to be ready to attend their Majestys to the review the King & Queen breakfasting by

themselves in the presence chamber all sorts of cakes were served up for their Breakfast their Majestys sent for Lady Petre & me between nine & ten walked about the House went into the Portico while the Horses & carriages were getting ready I then Handed the Queen into the chaise & attended the King on Horse back to the Review Nothing can be said sufficient in praise of that I shall leave every Body to imagine what a grand sight it was I shall only say that on all sides it was agreed to be perfect as a Millitary exebition I had build a stand sacked & furnished for the Queen on the spot where she could best see the representation of the Battle The Kings approbation of the officers & Solgerie was couched in the strongest terms. The force of the Kings approbation was by Lord Amherst very coldly & unsufficiently conveyed in an ordinary stile both in the orders of thanks to the troops & in the gazette. After the King returned from the Review everything worth mentioning passed as the day before with this difference that all the Col^{s}. & Peers of the camp had the honnor to dine with his Majesty to the number of thirty The Table was served with about 130 dishes besides in the centre of the table was the highest ornamented frames The King was in great spirits sat at Table till between nine or ten conversed with great pleasure & great affability with all his officers The evening passed as the day before with this difference Their Majestys did neither of them sup but retired to their apartment soon after twelve.

Wednesday morning before their Majestys set out they sent for Lady Petre myself & our daughter the King opened the window & they stood a considerable time at it to shew themselves to the people assembled to see them go the King held our daughter before him & we stood on each side.

They both in the most obliging manner expressed their thanks for the reception thay had met with at Thorndon several times they now before leaving the place repeated it all with many flattering additions the Equipages being ready we both had the honnor to kiss their Majestys hands the same as when they arrived I handed the Queen to her chaise the King having left 100 Gui^{s}. for our Servants & some money for the poor went off for Navestock to breakfast with Lord & Lady Waldegrave to which place we attended them & then went on to London to be present at the Drawing Room next day.

The Honnor of such a visit must be highly esteemed by a subject it was so by me and I shall always hold it as the most flattering circumstance of my Life that his Majesty gave me an opportunity of shewing him in the ordinary course of life that respect Loyalty & affection which the Laws of my country prevent me from doing on more important occurrances that same zeal that animated me to serch into the most insignificent trifles that could please or shew my attention to my King would if ever wanted & call for exert itself in his service.

CHAPTER V

Dr. Alexander Geddes

Some notice of this strange, remarkable, and restless man will find its place amongst the chapters devoted to the personal record of Robert Edward Petre better than elsewhere, since they were intimate friends as well as patron and *protégé*.

As Robert Edward's father had been a patron of scientific men, so it fell to the lot of this one to be the patron and support of a great Biblical scholar, Dr. Alexander Geddes. This latter left his work so unfinished that it would be difficult to estimate the value of his contribution to Biblical exegesis, but he may certainly be ranked as a pioneer, especially amongst Catholics and in England.

Alexander Geddes was born in the year 1737 and, as a child, his book of predilection was an English version of the Bible, in the reading of which he was encouraged by his Roman Catholic parents. The passion was early formed, and it was to Biblical studies that his life was devoted.

He went first to a small seminary in Scotland, and afterwards to the Scots College in Paris. He was then appointed to the small parish of Auchinhalrig, County Banff.

As parish priest he was both a success and a failure: a success, in so far as he seems really to have devoted himself to his flock, and to have won their deep affection; a failure, because he could not sacrifice certain strong convictions and prepossessions

to the code of conventional ecclesiastical conduct. He saw no reason why he should not attend a rival religious service if he felt friendly towards the minister; this drew on him the rebukes of his bishop, Dr. Hay, and eventually led to his suspension.

Henceforth his life as a priest was fitful and uncertain, and even his Catholicism was often open to question. He was constitutionally incapable of treating religious differences with any seriousness. He claimed to be a *Christian* rather than a *Catholic*; but he also claimed to be *human* rather than *Christian*, or, rather, to be the latter chiefly because Christianity was the highest development of humanity. He could thus be termed, in religion, an universalist, and to such a point that he himself was hardly conscious of how far his position differed from that of average believers. Hence he was genuinely pained when regarded as a bad Catholic, because he thought true Catholicism to be consistent with world-wide sympathy for every form of genuine Christianity. Hence he was constantly surprised and disappointed when his conduct excited criticism or reprobation, for he had something of the character of a child, and failed to realise how different he was from others.

From his parish of Auchinhalrig he went to London, where he officiated from time to time in various chapels. It was there that he met Lord Petre, to whom he confided his plan of producing a vernacular version of the Bible for the use of English Catholics. Lord Petre was so delighted with the idea, and also with the man, that he determined to make it possible by settling on him a fixed income of £200 a year, as well as undertaking the expense of any books he might need for his purpose. The proposed work was immense, and it remained, of course, unfinished. This main labour was interspersed with many lesser ones—pamphlets on special

occasions, and so forth. In controversy his tone was acrimonious and violent, and it seemed as though he were constitutionally unable to recognise the ordinary codes of correct ecclesiastical behaviour. He simply did not care. He was the stormy petrel of the Cisalpine movement; doing alternate harm and good. He survived Lord Petre, but was not abandoned by his successor, who continued the allowance.

In almost every movement there are one or two inconvenient adherents, who trouble the issue by disregard for a vital distinction. I cannot but think that Dr. Geddes was one such. By this I do not wish to minimise his personal value nor that of his work in history and exegesis; but as a partizan of the Catholic movement he overlooked precisely those points on which the whole question turned. He gave a cheap solution, which consisted in an obliteration of distinctions; he did not give such a solution as consists in their comparison and resolution.

The vital question for Catholics at that time was as to the rightful delimitation of ecclesiastical and civil authority; as to the respective jurisdiction of Pope and Sovereign. Now Dr. Geddes's solution was practically to deny Papal Jurisdiction altogether. This was, of course, not to solve the problem but to efface it.

As an instance of his views on this question I may mention a paper in his handwriting which has been preserved in the Thorndon Archives, and which contains a few suggestions for the laws and constitution of the Cisalpine Club, then in process of formation. I do not know whether they ever came under discussion, but they were certainly not adopted *in toto*.

He proposed that three tests should be set before rospective members of the Club; two of them are

relevant and interesting, viz. the first and third; but the middle one has just that quality of bluntness and indiscrimination which was characteristic of the man.

The first test was a declaration of adherence to the "Protestation." Of this we shall see more anon —and under prevailing circumstances such a test was almost essential to the ends of the club.

The third test was one which would have lain very near to the heart of Geddes himself, and consisted in a repudiation of the doctrine that "persons dissenting from us in religion are on that account doomed to eternal perdition."

The reason, and an interesting one, for which the writer proposes this test is that those who hold the doctrine in question must, logically and conscientiously, maintain the right and duty to persecute those who differ from them. And it is surely difficult to deny the logic of the proposition; for it must be right to save people from eternal fire, even against their own will.

But his second test consists in a wholesale repudiation of Papal Jurisdiction:

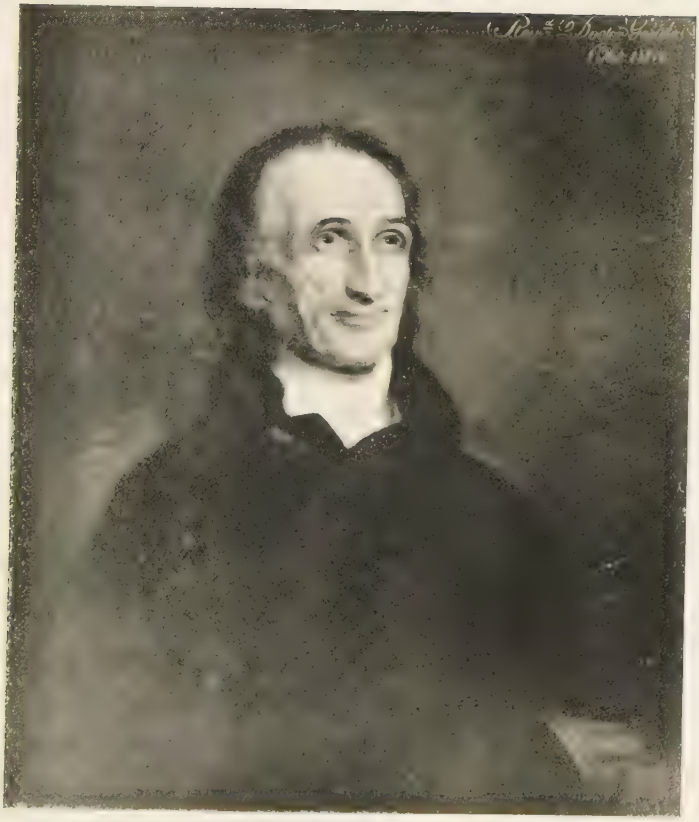
> We acknowledge no Jurisdiction in the Pope but pay to him that respect which is due to him as a foreign sovereign and a foreign bishop—

on these lines he would possess in England as much jurisdiction as would the Archbishop of Paris.

This was not only contrary to general Catholic belief, but was an insult and injury to the great Catholic protagonists of the days of persecution. Sir Thomas More deserved more respect than is here shown him—he did not, surely, die the death of a fool.

In his *Letters to a Prebendary* Dr. Milner says to his opponent, with a strong accent of reproach:

> You everywhere confound the Pope's essential *spiritual* jurisdiction with his accidental *temporal*



DR. ALEXANDER GEDDES.

power. You jumble together the very distinct subjects of the *supremacy* and infallibility.

Hence, for Dr. Milner, the doctrine of papal supremacy is one thing, the doctrine of papal infallibility another, and he considers that his opponent is adopting dishonest tactics by suggesting that Catholics must believe in the latter because they believe in the former. These words are important as coming from Dr. Milner, who would be regarded generally as belonging to the Ultramontane school of the day. We shall see later on that he was not, on all occasions, so Roman as has been supposed; that he was, indeed, often less Roman than the adversaries whom he charged with unorthodoxy. Nevertheless, his words are important.

But for Dr. Geddes there was no question of rightful spiritual *versus* accidental temporal jurisdiction; there was no question of rightful supremacy *versus* unreal infallibility; he wiped the slate clean of them all. Thus in one place he writes:

> I have only to regret that, in England, a Prelate should be under the necessity of calling himself "Bishop by the Grace of the Apostolic See." It is a flagrant innovation, etc.

If he was right, the history of Catholics under the penal laws was the history of a colossal mistake, for the dispute had all been about nothing.

Geddes was a man who could be fitted in no class or category; it was just the best of him that made it impossible. He had a bad temper, but a heart of gold; he was violent in disputes, but humble and generous in reconciliation; his life was as pure and strict as his orthodoxy was loose and uncertain. His historic sense was out of proportion to his surroundings; thus he says "The Hebrew Scriptures I have examined . . . as I would any

other writings of antiquity." His spirit of tolerance was carried to the point where it becomes weakness because of its disregard for the actual issues; but it was the reverse side of his intense humanitarianism and horror of every form of repression and cruelty.

Lord Petre had a noble, if a somewhat irresponsible, *protégé*; and he thoroughly delighted in his society. His translation of the Bible ended with the Book of Ruth, though he did also a part of the Psalms to Ps. cxviii. There is, however, a quantity of his MSS. in the Thorndon archives which might carry the work further, and might also deserve examination at the hands of an expert in such matters.

He was deeply grieved by the death of his patron, Lord Petre, in 1801, but he did not survive him a year, and died himself on February 26, 1802, having received all the Sacraments of his Church from his friend, the Rev. M. St. Martin, though he remained under ecclesiastical censure both before and after his death.

The son of his patron, Robert, tenth Lord Petre, put up a marble monument in Paddington churchyard, where he was buried, and had inscribed on it the following words, drawn from his own works[1]:

> Christian is my name, and Catholic my surname;
> I grant that you are a Christian as well as I,
> And embrace you as my fellow disciple in Jesus.
> And if you are not a disciple of Jesus,
> Still I would embrace you as my fellow man.

Dr. Geddes wrote a long Latin elegy on the death of his patron, which was translated by his biographer, as follows:

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[1] There is a Biography of Dr. Geddes by John Mason Good, dedicated to Robert, tenth Lord Petre. He was a personal friend of Geddes, and saw him to the last. His work bears the date 1803—G. Kearsley, Fleet St.

Has cruel death, then, robbed me of my friend!
My guide, my guard, my first and dearest boast!
Robbed—ere he scarce had half-way reached his end,
Had Heaven allowed the days allowed to most?

How swift, alas! this mortal being flies;
How eager Death his heedless prey to gain!
Dread Death! remorseless! deaf to human sighs!
Thou, barbarous! thou! who all my sweets hast slain.

Vain Petre's wishes; vain the holy strife
Of fervent prayers to save him from the dead:
The present fates, relentless, claimed his life,
And from the flesh his generous spirit fled.

How, how severe, O Julia, then thy grief,
Widowed so young, so vast the loss sustained!
But in thy children shalt thou find relief;
These are thy balm, the pledge of love unfeigned.

What felt the son! how deep his filial groan
When the last pang he saw his father seize!
Yet wife beloved, yet offspring are his own;
And wife and offspring shall his wound appease.

But nought of balm does Heaven to me assign;
No solace sweet, with healing influence, flows;
No smiling infants, bland companion, mine,
With deeds of love to mitigate my woes.

Spouse, sire, companion—he was all to me;
Though but a friend:—a friend? yet, ah, how dear!
E'en with less joy my brother's face I see,
Less feels my heart affinity so near.

And well my utmost love did Petre claim,
Who, rich himself, my poverty endowed—
Twice ten times traced the Sun th' ethereal frame,
While Heaven to me his tender love allowed:

'Twas mine perpetual—long as life remained;
Mine, e'en in death, till ceased his heart to beat;
His fostering hand, my studies that sustained,
Gave to those studies recreation sweet.

Weep, Muses ! weep—long sighs your bosom fill !
Patron of verse was Petre ever found :
But chiefly thou, O Muse of Zion-hill,
Groan with my groans, and loud our griefs resound.

Who now shall soothe me as my path I wind,
Thy footsteps following, through entangling briars ?
When, faint, at times the task I half resigned,
He cheered my soul, and roused its latent fires.

When malice grinned, with fang so oft that daunts,
When bigots, blind, o'erflowed with frantic foam,
" Spurn, spurn," said he, " these vile opprobrious taunts,
" Care but for this—to close th' important tome."

O ! that, while Heaven allowed thee yet to be,
This utmost work my utmost hand had past ;
That fate had given to dedicate to thee,
As my first labors, so alike my last :

What joy, what rapture had I then revealed !
This my chief wish, the summit of my prayer !
But Heaven denied :—to Heaven our hearts should yield,—
But who, meantime, from weeping can forbear ?

All must bewail thee, Petre ! all who knew ;
For me, my sorrows never shall subside.
As the loved image of my friend I view,
Down my ploughed cheeks how flows the briny tide !

Deep, trembling sobs convulse my laboring breast,
And secret anguish every nerve corrodes ;
But rest is thine—secure, unsullied rest,
The songs of angels, and their bright abodes.

Enjoy, blest saint ! enjoy the sweets that flow !
Unmingled sweets, whose fountain ne'er shall fail !
And, if thy powers can reach to man below,
O stoop, benign—let friendship still prevail.

CHAPTER VI

A Retrospect

The present chapter is of a simple and elementary character; it contains no new facts, and is the result of no new researches; its only object is to cast some light on the history that follows by furnishing a short summary of the relations of England with the Holy See from the time of the Plantagenets onwards.

The movement with which we shall have to deal was the historic continuation of old controversies, in which the nature and extent of Papal Supremacy was in question. This was the primary question in the reign of Henry VIII, and it was the primary one again at the time with which we have to deal. It was, in fact, the question on which Catholic liberties depended. Once any sense of reason and fairness came to prevail, no Protestant could honestly demand of his Catholic compatriot the repudiation of a religious or purely theological doctrine; nor could he ask of him to partake of sacraments in whose value he disbelieved. But a Protestant could, without deserving therefore to be accused of intolerance, question the right of a Catholic to full citizenship so long as he believed him to uphold a form of religious authority that weakened civil and national allegiance. And as this was the vital question between Catholic and Protestant so did it likewise become a vital question between Catholics

and their ecclesiastical superiors—though these latter are not always found on the same side.

Now the years before us constitute one of those culminating periods which sometimes occur in history, when values are re-examined, tests are reconsidered, the past is criticised, the future is reconstructed. Taking this period, therefore, as one in which the question of Papal Authority and supremacy was the crucial one, it may help to an appreciation of the point reached to set forth a short summary of the leading events in the history of the relations of the See of Rome with England.

1. Beginning with the Plantagenets, we have first the disputes of Henry II with Becket, the issue of the Constitutions of Clarendon, by which clerics guilty of crime were brought under the common law, and certain restrictions placed on their intercourse with Rome; and we have the grant of Ireland to Henry by the Pope.

Then we come to King John.

John was not the most Catholic nor the most devout of our sovereigns, but he it was who started a long trouble when he yielded his crown to Pope Innocent III, and received it from him again, as a vassal of the Holy See, for 1000 marks.

It might seem, to the mind of our day, that such an action could hardly be regarded seriously; we no longer consider that our country belongs to the King, still less that it could possibly belong to the Pope. But, on the contrary, this act of John had very real consequences; and our Catholic forefathers of the eighteenth century had not yet wholly freed themselves from the consequences of John's evil conduct and unlawful reparation.

2. At the 4th Council of Lateran, 1215—ambassadors from England and other countries being present—in the 3rd Canon the deposing power of the Pope was proclaimed in case of heresy.

3. In the reign of Edward I, Pope Boniface VIII claimed Scotland as a fief of the Holy See. The Barons' reply to the Pope was that, in respect to "his temporal rights," the King shall not plead before you.

4. The question came up again in the reign of Edward III. Urban V renewed the claim, which was repudiated, in this instance, by the Prelates of the realm, who declared that the act of John was invalid "without the consent of the nation."

5. The Statutes of Praemunire, 1353 and 1393, were passed, for the constraint of those who paid to the Papal Court an obedience that was only due to the King.

6. Henry VIII composed his "Assertio septem sacramentorum adversus Lutherum." Sir Thomas More urged him to omit what he had said in regard to the Papal Supremacy, or "to touch it more slenderly for doubt of some things as might hap to fall in question"—but our bluff Harry would "in no wise 'minish in that matter."

7. Arose the grave question of the validity of the marriage of Henry VIII to Catherine of Aragon. A Papal Commission was appointed April 13, 1528. In July 1528 the Pope summoned the case to Rome. In May 1533 Cranmer, Archbishop of Canterbury, annulled the marriage. In November 1533 was solemnised the marriage of Henry with Anne Boleyn. In 1534 the Pope declared the marriage with Catherine to be valid.

8. In 1535–36 Henry VIII proclaimed himself by statute "Supreme Head on earth of the Church of England," with "full power and authority to reform and correct all manner of errors, heresies, and offences which might be reformed and corrected by any manner of spiritual authority and jurisdiction."

9. Next year was set forth the oath which Bishop Fisher and Thomas More refused.

This was the text of the oath :

> I, A. B., do utterly testify and declare in my conscience that the king's majesty is the only supreme governor of this realm, and of all other his Majesty's dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal ; and that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within the realm ; and therefore I do hereby renounce and forsake all foreign jurisdictions, powers, superiorities and authorities ; and do promise that, from henceforth, I will bear faith and true allegiance to the king's highness, his heirs and lawful successors, and to my power will assist and defend all jurisdictions, privileges, pre-eminences and authorities, granted and belonging to the king's highness, his heirs or successors, or limited and annexed to the imperial crown of the realm.

On the all-important point of the strictly spiritual and ecclesiastical jurisdiction of the Pope it is obvious that this oath could be taken by no true Catholic—had there been any possible explanation of it in the sense of Catholic teaching Sir Thomas More would have discovered that sense.

10. Paul III cited Henry to appear before him, and then placed the country under an interdict.

11. Henry VIII strictly upheld Catholic doctrine on other points, and Protestants who denied the doctrine of transubstantiation, private masses, auricular confession, etc., as set forth in the " Six Articles," were put to death.

(We pass over the reigns of Edward VI and Mary as furnishing no special matter of discussion on this point, and come to that of Elizabeth.)

12. Elizabeth notified her succession to Paul IV.

He replied by a re-assertion of the rights of the Holy See over the English Crown—pointed out her illegitimacy, but invited her to submission with the suggestion of reconciliation.

13. Pius IV made overtures which led to nothing.

14. A Bill was introduced, under Elizabeth, entitled " An Act to restore to the Crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same."

This Bill was opposed by the Lords Spiritual, and was supported by the Lords Temporal, excepting Lord Montague and the Earl of Shrewsbury. (The Duke of Norfolk and Lord Arundel supported it. The Petre of those days, not yet a peer, was, of course, prepared to advance any measure favourable to the Crown, regardless of its religious consequences.)

The true mind of Elizabeth on this subject has been the matter of much dispute.

In reply to those who urged that she was assuming " a spiritual commission which was delivered by Christ to His Church," she issued a body of Injunctions, in which she declared: "that she would never challenge any other authority than that which was enjoyed by Henry VIII and Edward VI and was of ancient time due to the Imperial Crown of this realm ; that is under God to have the sovereignty and rule over all manner of persons born within these realms . . . whether they be ecclesiastical or temporal, so as no foreign power ought to have any superiority over them."

15. Passing over other acts of Elizabeth, all tending to the establishment, and, what was of greater moment, the characterisation of English Protestantism, by means of the Act of Uniformity, the Thirty-nine Articles, etc., we come to what regards us most closely, viz. the Bull of Pius V.

By this pronouncement the Pope declared Eliza-

beth " to be deprived of her pretended title to the kingdom aforesaid, and of all dominion, dignity and privilege whatsoever ; and also the nobility, subjects and people of the said kingdoms, and all others which have in any sort sworn unto her to be for ever absolved from any such oath "—they incurred anathema by maintaining their allegiance to her and were ordered to rebel and resist her so far as possible.

16. The reply to this Bull was the issue of the Penal Laws of Elizabeth, under which priests and laity suffered persecution, torture, and death. Two Acts were passed, one to punish those who either denied the lawfulness of Elizabeth's sovereignty or said that it could not be determined by law ; another to enforce the Statutes of Praemunire against any who introduced Papal Briefs into the land, or concealed the same. *Agnus Deis* [1]—a very simple Catholic devotion—were also forbidden ; no doubt by reason of their papal character. This forbiddal probably conferred a special character of sanctity on these religious symbols, for they were much worn in old Catholic families in my childhood, but I have not seen them used amongst our descendants.

17. Gregory XIII slightly mitigated this bull by absolving Catholics from *immediate* obligation of conforming to its precepts—but the claims of the Bull of Pius V were never officially repudiated, and all the oaths and tests eventually demanded of Catholics contained precautionary repudiations of these claims.

Furthermore, Catholics, when brought to trial, were never able to prove that the issue before them was a purely religious one. That they did actually die for their faith, no one could deny ; but the Crown could always claim some justification for the cruelty of its action.

[1] The wax of which they were made was blessed by the Pope.

And although Catholics were willing to furnish any assertions of loyalty that might be demanded of them, they were also reluctant to accompany such assertions by outspoken condemnation of their own religious superiors. This is very marked in the trial of the twelve priests, of whom Campion was one, in the years 1581–82.

They were asked, amongst other things :

(*a*) Whether the Bull of Pius V be lawful, and ought to be obeyed by English subjects.

(*b*) Whether Elizabeth were lawful queen.

(*c*) Whether the Pope had the right to absolve subjects from their allegiance, etc.

Each of the inculpated gave his own answer to these questions—all professing their loyalty, but several hesitating to denounce a claim which had been definitely made by the Holy See.

We must remember that, just as the Church allows certain claims to become obsolete and certain dogmas to be quietly mitigated, but never withdraws what she has once said, so the most faithful of her children will often decline to repudiate an ecclesiastical claim, even though they do not uphold it. Some of us, who could not help perceiving certain faults on the part of our country, during the course of the war, would yet have refused, even at the cost of our lives, to proclaim such a judgment if we had been prisoners in Germany.

18. The next event of importance was the attempted Spanish Invasion. Pope Sixtus V urged English Catholics to take part with the Spaniards ; and Cardinal Allen sent forth an address in this sense.

19. We come to the reign of King James, and the Gunpowder Plot. There followed the imposition of a new oath by James I, who declared that " he never would nor did presume to make an article of faith," but " the oath was ordained only for making

a true distinction between " loyal subjects and those that " maintained the like bloody maxims that the powder traitors did."

20. The oath was as follows :

I, A. B., do truly and sincerely acknowledge, profess, testify and declare, in my conscience, before God and the world, that our sovereign lord King James is lawful and rightful king of this realm, and all other his majesty's dominions and countries, and that the pope, neither of himself, nor by any authority of the Church or See of Rome, or by any other means with any other, hath any power or authority to depose the king or to dispose of any of his majesty's kingdoms or domains ; or to authorise any foreign prince to invade or annoy him or his countries ; or to discharge any of his subjects of their allegiance and obedience to his majesty ; or to give license or leave to any of them to bear arms, raise tumults, or to offer any violence or hurt to his majesty's royal person, state, or government, or to any of his majesty's subjects within his majesty's dominions.

Also I do swear from my heart that notwithstanding any declaration, or sentence of excommunication, or deprivation made or granted, or to be made or granted, by the pope or his successors, or by any authority derived, or pretended to be derived, from him or his see against the said king, his heirs or successors, or any absolution of the said subjects from their obedience ; I will bear faith and true allegiance to his majesty, his heirs and successors, and him and them will defend, to the uttermost of my power, against all conspiracies and attempts whatsoever, which shall be made against his or their persons, their crown and dignity, by reason or colour of any such

sentence, or declaration, or otherwise; and will do my best endeavours to disclose and make known unto his majesty, his heirs and successors, all treasons and traitorous conspiracies which I shall know or hear of to be against him or any of them.

And I do further swear, that I do from my heart abhor, detest and abjure, as impious and heretical, this damnable doctrine and position—that princes which be excommunicated or deprived by the pope, may be deposed or murdered by their subjects, or any other whatsoever.

And I do believe, and in my conscience am resolved, that neither the pope, nor any other person whatsoever, hath power to absolve me of this oath, or any part thereof, which I acknowledge by good and full authority to be lawfully administered to me, and do renounce all pardons and dispensations to the contrary.

And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken; and according to the plain and common sense and understanding of the same words; without any equivocation, or mental evasion or secret reservation whatsoever. And I do make this recognition and acknowledgment heartily, willingly and truly, upon the true faith of a christian. So help me God.

21. This oath was, as is obvious, wholly inspired by the anger and fear which had been engendered by the Gunpowder Plot. It was submitted to the Sorbonne, and forty-eight doctors declared that it could lawfully be taken, though they objected to the term *heretical* as applied to the doctrine of the deposing power of the Pope.

Paul V, however, declared that it could not be taken.

22. Charles Butler gives us an important account of the Blackwell case, which arose therefrom. I subjoin it, as drawn from his Memoirs [1] :

THE EXAMINATION OF MR. BLACKWELL, THE ARCHPRIEST, BEFORE HIS MAJESTY'S ECCLESIASTICAL COMMISSIONERS

The most important doctrine in the history of this controversy is, "The large Examination, taken at Lambeth, according to his Majesty's direction, point by point, of *Mr. George Blackwell,—made archpriest* of England by pope Clement the eighth—upon occasion of an Answer of his, without the privity of the State, to a Letter lately sent to him by cardinall Bellarmine, blaming him for taking the Oath of Allegiance. Together with the Cardinall's Letter, and Mr. Blackwell's Letter, to the Roman-catholicks in England, as well ecclesiastical as lay. Imprinted at London by Robert Barker, Printer to the King's most excellent Majesty, 1607."

The commissioners at this examination were the archbishop of Canterbury, the bishop of London, the bishop of Chichester, Mr. James Montague, Mr. Edward Stanhope, Mr. J. Bennett, Mr. R. Swate, Mr. Richard Neyle, Mr. J. King, and Mr. William Ferrand.

It would be difficult to produce an instance of a legal discussion, or even of a literary investigation, in which the inquiry has been conducted with so much method,—in which the point under consideration has been so completely cleared of extraneous matter,—or in which, by a regular series of inquiries,—beginning with the most easy, and arising to the most difficult,—a question

[1] *Op. cit.*, chapter xlix. vol. ii. pp. 204–11.

singularly complicate and delicate, has been so completely brought to a decisive issue.

The examination began by Mr. Blackwell's propounding,—with the leave of the court,—his own system on the spiritual and temporal power of the pope. He did this at some length, in perspicuous and measured language, but in terms too general to satisfy the commissioners. They therefore called on him for explanations, and received them from him.

1. He is first asked,—whether, in virtue of the alleged cessions of Henry the second, and of king John, to the popes,—the kingdoms of England and Ireland, or either of them, were parts of the temporal dominions of the pope?

To this the archpriest answers, in the words of sir Thomas More, "Rome never could show such a grant; and, if she could, it were nothing worth."

2. The commissioners then observe, that several canonists,—among whom they particularly notice cardinal Baronius,—affirm that "the pope is as directly lord of the whole world in temporals as he is head of the universal church in spirituals; and that he hath directly a sovereign authority, in respect of such his worldly dominion, over all emperors, kings, and princes, to dispose of them and their kingdoms, when occasion shall require, as he hath, in regard of the spiritual supremacy, over all bishops and clergymen, to advance and deprive them, when he thinketh it convenient, and that they do deserve it."

The archpriest replies,—that, "in his answer to Bellarmine, he had sworn,—that the bishop of Rome had no imperial or civil power to dispose, at his pleasure, of the king's majesty. That, as he had sworn, so did he then constantly affirm, that he holdeth the opinion before spoken of

concerning the pope's direct dominion, and supreme authority over all the world in temporals, to be untrue."

3. Advancing in the inquiry, the commissioners notice to him,—"another kind of authority ascribed to the pope, and tending to the same end, —that, *in order to things spiritual, and indirectly, all kings and princes, with their kingdoms and countries, are subordinate to the pope,* insomuch if he see cause, and that kings and princes will not be advised by him, he may not only excommunicate them, but, proceeding by degrees, depose them, absolve their subjects from their oaths of allegiance, and rightfully command them, if need be, to bear arms against them."

The archpriest replies, that, "the pope's excommunication can produce no such effect as deposition, eradication, absolution of subjects from their oath of allegiance, nor any sufficient warrant, either to rebel, or lay violent hands upon the king." He admits that some canonists have held the affirmative of this proposition:—"but what private men write, should not," he says, "be imputed to the doctrine of the catholic church, or to the prejudice of any man, who does not hold it."

4. Diverging somewhat from their strict line of inquiry, the commissioners then cite to the archpriest, passages in the works of several writers, which assert, that *the obedience of catholics at different times to excommunicate princes, was owing, not to their not having a right to resist, but to their not having the means for successful resistance.*

The truth of the assertions of these authors, the archpriest denies unequivocally. He expresses his wonder, that they were ever made,—observing, that they would thus exhibit the apostles and

martyrs as mere temporizers; and that, in the early writers of the church, there is not a single syllable of such language.

5. The commissioners then return to the indirect temporal power of the pope.

Here,—the archpriest cites the very strong and decisive facts and arguments, by which cardinal Bellarmine combats the doctrine of the pope's direct power in temporals. He contends, that these apply equally to his alleged indirect temporal power; and concludes by wishing, with all his heart, that either cardinal Bellarmine had not intermeddled with the question of the pope's authority, in temporals; or else, that he had been able to handle it, if it had any truth in it, more pithily, and thoroughly. "In sum thereof," concludes the archpriest, "the pope's power ought not to be extended beyond the power of the kingdom of heaven, and of the censures of the church, properly so called. He hath no authority in temporals, either directly or indirectly, to depose kings, &c.,—by what name or title soever the said power is called;—whether he putteth it in practice, in order to spiritual things, or whether the end he aimeth at, by such his proceedings, with any king or prince, be spiritual or supernatural; that is, be pretended to be undertaken for the good of the church and promoting of christianity; the same, in his judgment, being neither apostolical, nor agreeing to the practice of the most worthy bishops of Rome in the primitive church, and for a long time after; nor available in truth to the catholic church; but rather hurtful, and great hindrance thereto."

He then, "truly and sincerely, from the bottom of his heart, declares in his conscience, before God and the world, that King James his sovereign Lord, is *jure divino*, and by the positive

laws of this realm, lawful and rightful king of this realm, and of all other his majesty's dominions and countries, both *de facto* and *de jure* ; and that it was not lawful, either for his majesty's subjects to have withstood him, nor even could it be lawful for them, now that he is their king, to rise up against him, or seek, by any ways or means, to hurt him, either in his health or in his regal state, although he (the king) denieth the pope's supremacy, in causes ecclesiastical, and seeketh to suppress all those that dissent from him in those points of religion which he embraceth ; and though likewise they, his said subjects, being either catholics, or protestants, had sufficient number, forces, and ability, so to do, without any scandal for the catholic cause, and without any danger to themselves, either in their goods or lives."

6. It might have been expected, that this full and explicit answer would have closed the inquiry. The commissioners, indeed, said that the archpriest had very well discharged his duty. Still they revolved the interrogatory to a higher power,—to the highest, perhaps, to which the inquiry could be carried. "It is possible," they said, "that the pope may define the deposing power to be a matter of faith ; then," they observed, "it must be acknowledged by popish catholicks, that his holiness may depose kings, and deale with their subjects, as is aforesaid ; —and thus his majesty, and all other christian princes, as their occasions fall out, must still rest unassured of the loyalty of their subjects, and of their own safeties ;—it is therefore," they add, "necessary, that the archpriest should clear this poynt."

To this question, the archpriest replied—That he was perfectly assured, that the pope would not

make such a determination, and that he *could not make it*; "he cannot," said the archpriest, "determine it to be lawful, under any pretence whatever, for a man to commit adultery with his neighbour's wife; no more can he determine it to be lawful, under any pretence whatever, for any of his majesty's subjects to bear arms against him;—both of them being against the moral law of God, which the gospel doth, in no one point, prejudice.—Nor, as he cannot, by any pretence whatsoever, make a son to be no son, during the life of his father;—no more can he make the born subject of any king, not to be his subject, so long as the king liveth."

7. *Cardinal Allen's admonition to the Nobility of England*—noticed in a former part of this work,—being mentioned; the archpriest declared, "that he could not choose but confess, from all his heart, that he did dislike, and disavow, all the arguments, published in that book, which had tendency to persuade the queen's subjects to take part with the forces of the king of Spain; because she was deposed by the pope's sentence; and in some other respects therein mentioned; and likewise all the persuasions, and resolutions, which were sent into Ireland from Salamanca, or from any place else, tending to the same purpose."

8. Several passages from the works of Cardinal Allen, and of Doctor Stapleton, being then read by the commissioners to the archpriest: "Alas! alas!" he cried, "what mean you to increase my sorrow? I have said enough before, to show you how much I do detest these kind of positions, as being infected, if not with a canker, at least with untruths. How glad should I have been, if these kinds of positions, now charged on me, had been left to Buchanan, and such of his followers, as have run that race." He expressed his humble desire,

that " he might be no further troubled with these uncatholic and bloody novelties " : and therein he had his desire.

He was soon after deposed by the pope from his situation of archpriest ; he persisted, however, to his death, in his approbation of the oath : on the 25th of January 1612, being suddenly taken ill, some priests attended him ; he assured them that he thought it a lawful oath, and in taking it he had done nothing contrary to conscience.

23. The next event was the Fire of London, with the resulting monstrous accusations raised against Catholics, and then the Titus Oates plot, which should have won for Catholics an entire amnesty for their own Gunpowder Plot.

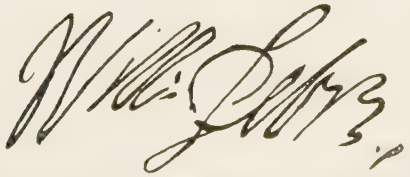
It was in consequence of this plot that William, 4th Lord Petre, died in the Tower.

24. We come to the reign of Charles II, from whom Catholics might legitimately have hoped for relief and sympathy ; but in this reign, on the contrary, for the first time were declarations demanded that concerned not only the loyalty of Catholics to the true rights and jurisdiction of the Holy See, but the primary articles of their faith.

As regarded the question of the Papal Jurisdiction, we cannot do better than draw from Charles Butler's Memoirs the following addresses which were presented to the King, first by the dean and chapter, next by the English Benedictines and regular clergy ; lastly, a very fine one composed and presented by Sir John Arundell, afterwards Lord Arundell of Wardour.[1]

[1] *Op. cit.* vol. iii.

WILLIAM 7TH. LORD PETRE.



Facing p. 71.

I

Dean and Chapter [1]

We hold (they say) that the pope hath no power, directly or indirectly, to lay commands on the king's catholic subjects in any thing belonging to civil and temporal matters ; and contrary wise, that the aforesayd supreame dominion and power of majestie extends over all his subjects, as well ecclesiasticke as layicke, and in all cases, not only temporall but also spirituall, as far forth as they may have respect to the civil and politick government. And that therefore we hold ourselves bound never to suffer or permit, as far as lyes in our power, that any person or persons, ecclesiastick or layick, exercise at any time, any jurisdiction, power or authoritie in this kingdom, or in any other part of his majesty's dominions, over his majesty's subjects, in thinges appertaining to or reflecttinge upon his civill government, without the knowledge and leave of his sayd majestie ; much less, without violence to the sacred principle aforesaid, can or doe wee hold that the pope either hath, by himselfe, or by any authoritie derived from his see, any rightfull power of deposinge kings, whether catholicke or not catholicke, disposinge of their dominions and kingdoms, or of authorizinge any externe prince, or other person or persons whatsoever, to invade or endammage either his majestie's sacred person, or any part of his dominions.

But most of all wee detest from our harts that impious, damnable, and most unchristian position, that kings or absolute princes, of what belief soever, who are excommunicated by the

[1] *Memoirs of the English Catholics*, iii. 23–34.

pope, may be deposed, killed, or murthered by their subjects, as clearly contrary to the word of God.

II

From the Benedictines

This protestation we make in the presence of God and his holy angels, without any equivocation or mental reservation whatsoever. The which doctrine of mental reservation wee doe deteste and abhorre as most unchristian and execrable: especially in professions of this nature; as also in all promises and contracts made with any, or when wee are convened before any legall magistrate, of what religion soever.

And now,—our hope is, that this our profession will be esteemed sufficient to satisfy the state and kingdome, that the catholick religion does not deserve such imputations, as upon occasion of the writings or crimes of a few unhappy persons, have been undeservedly cast upon it. As likewise to demonstrate, that both for an acknowledgment of his majestie's just supremacy in all temporall power, as a civil governour, and likewise our readiness to perform all due allegiance to him and his successors according to the lawes of these kingdomes, wee his distressed roman-catholick subjects, are by our religion as much obliged, and God willing, shall never come short of any other subjects, of what persuasion in matters of religion soever they be. However, in case that which is here written and protested shall not be esteemed sufficient for this purpose, our most humble suit is, that wee may be permitted further to explain ourselves, and against all exceptions to justify our most unalterable fidelity, loyalty and sincerity.

III

Sir John Arundell

Most mighty Soveraigne,

Your roman-catholique subjects,—considering in how miraculous a manner God hath preserved and now sent your majestie to this desolate nation, to redresse the aggrievances of your people, and repaire the breaches made by the late unhappy distempers both in the state and lawes,—have thought this a convenient and seasonable tyme to cast themselves at the feete of your mercy for a repeale of those penal statutes, under which they and their forefathers have long groaned ;—in order to obteyning which signal favour from your most bounteous hand, wee here present you some equitable motives, nor are we diffident of your acceptance thereof, especially at a tyme, when you are pleased to afford a gratious hearing to many sects and professors of new opinions under a notion of tender consciences, promising a free and full pardon of all such,—(some few excepted, whose hands were deepest in your royal father's innocent blood),—as should submit themselves to your clemencie, which we here doe in a most humble manner, and therefore want not cause to hope that the effects of your mercie and goodness will not be shortened or denied to us alone.

Our first motive, is, by proving to your majestie, that all the causes of your predecessors' penal lawes are now ceased, and therefore in reason, mercie, and justice, the lawes themselves ought likewise to cease.—We come to the particulars.

Henry the eighth's penall statutes were made to remove the pope's authoritie, which stood in his way, an insuperable impediment, to the enjoyment

of his beloved mistris Anne of Bullen, till such time as he had removed it, by changing the religion of his ancestors, and assuming to himself the head-shipp of the church, that so, he might dispence with himselfe in the case,—(a thing the pope declared he could not doe),—and make all lawful to himselfe which hee listed. Hence he enacted a lawe, that, whoever would not acknowledge him supreame head of the church and renounce the pope's authoritie—(which was acknowledged by all his royal ancestors from England's conversion to that tyme) should loose his estate and be putt to death for an heretick. This reason reacheth not at all to your majestie, who are no way concerned in any such abominable case, nor swayed by sinfull passion as he was ; but of just and equall christian temper, and therefore needs not the defence or cloake of such a law.

Queen Elizabeth's penall statutes were made to strengthen and secure her title to the crowne,—(which was knowne to be but weake, Marie's mother being alive two yeares after she was borne), —against the true and lawful title of Mary queen of Scots, your great-grandmother, of blessed memory, of whom she alwaies had much jealousie, as well by reason of her alliance with France, and right declared by the sentence of the church against the devorce of her father from his lawfull wife, as also by reason of her own illegitimation declared by her father in parliament, and the excommunications denounced against her. These were the reasons of her penall statutes, which can be no reasons to your majestie to continue, but rather to annull and repeal them, seeing the causes of her feares are just confirmation of your confidence in us, as plainly giving testimony to your rightfull succession and most legitimate possession of the crowne, which wee have all endeavoured to

defend during those late commotions, not onely to a sale and sequestration of our estates, but deprivation also of our lives.

The penall statutes of king James your royall grandfather, of happy memory, were occasioned by that horrid and blackest of plotts,—(wee except none but this of fresher memory against your royall father and yourselfe),—the gunpowder plot,—which was construed and carried on by a few wretched men of broken and desperate fortunes,—the generalitie of roman-catholiques knowing nothing of it, and all protesting against it even to this day, as a most damnable designe, contrary to their faith and religion. And here, we humbly appeale to your gratious majestie, whether it be consistent either with reason, mercie, or justice, that a multitude of innocent persons should suffer so long under so many penall lawes for the fault and wickedness of an inconsiderable number, whom they have ever disclaymed and had nothing to doe with at all;—may we not, now, at least, with much modestie petition your royall highness for a repeale thereof? We hope we may, and doe it at your feete; humbly beseeching you that, whilst you offer pardon to desperate rebells, even such as have been stained with your father's blood,—(a demonstration of your matchless clemencie),—it may not be denied to innocent subjects, whose blood hath often beene a sacrifice to his and your defence and safetie; which may, we hope, preponderate to that designe of a few impious plotters, seeing it is not the way of your clemencie to punish a multitude for the sinns of a few, but rather a few for a multitude; witness your overture of a general pardon. Let not, therefore, the crime of a few catholiques be made the fault of all!

By what hath hitherto been said, it cannot but appear to your majestie, that all those penall

lawes of your ancestors were merely particular, and related onely to the tymes they were made in; not being applicable to the present, and therefore the cause or reason of them ceasing, we humbly begg that the effects may likewise cease.

A *second motive* for repealing them, is,—from that expression of Mary queene of Scots,—your great-grandmother of blessed memory,—made at the tyme of her arraignment and execution before the lords there assembled, viz: "Woe is mee for the poor catholiques, and the miseries I foresee they are like to suffer for their irremoveable affection to me and mine; if I were free as mye stile and innocencie requireth, I would gladly redeeme their vexations with my dearest blood!" &c.—Let then your gratious mercie and authoritie effect what she dying so earnestly designed, and lett not those be sufferers by and from you, whose chiefest sufferings have beene heretofore for you and yours, not to say any thing of those sequestrations and degradations layd upon them of late tymes, for meare performance of their dutie and allegiance to your royal father and yourself. Wee shall add onely to this motive, that gratious saying of king James, made in parliament, viz: "that he would have no blood for religion, nor no soule-money contrary to the word of God," &c. humbly beseeching God, in whose hands the hearts of kings are, that his so pious a resolution towards his catholique loyal subjects, may make a deep impression on your heart.

A *third motive*,—is from our religion, which strictly teacheth and commaundeth us, under pain of eternal damnation, to render as to God the things that are God's, so to Caesar the things that are Caesar's, and to obey our temporall princes and magistrates, not for feare onely, but for conscience sake, seeing to resist their authoritie is

to resist the ordinance of God, which we believe with a most steadfast faith ; nor are wee longer roman-catholiques, than wee so believe. We believe also, and sincerely protest before God and men, without any equivocation or mental reservation, that we owe obedience and allegiance to our soveraigne lord king Charles, his heires and successors, and will perform it faithfully to him and them, notwithstanding any absolution or dispensation to the contrary whatsoever. We believe likewise, and swear from our hearts, that wee ought and will defend the person, rights, titles, and dignities of our said soveraigne lord King Charles, his heirs and successors, with the utmost hazard of our lives and fortunes against all plotts, conspiracies, and invasions of any power, foreine or domestique, whatsoever, even in case of papall deposition and deprivation.

As to the imputation of idolatrie and superstition, so often charged on our religion by some defamatorie penns and tongues, wee humbly conceive the judgment to have beene given alreadie on our side by so many generall councils abroad, and so many convocations and parliaments at home,—(fortie for one at the least),—commanding and approving the religion we professe, that your majestie cannot doubt the authors of that imputation to be more zealous than knowing, and more malicious than mercifull. I am sure your learned grandfather of happie memorie, king James, thought no less of them when he said that " such as affirmed roman-catholiques not to be in a way to salvation, deserved to be burnt," &c. by which you may perceive what incendiaries they are, who endeavour to excite your royal highness and the good people of this nation against us, by falsely aspersing our religion with notes of superstition and idolatrie.

A *fourth motive*,—is from the fidelitie of roman-catholiques in queen Elizabeth's tyme, testified by the lords of the privie councell, who told them that the cause of their imprisonment was not for any doubt made of their loyaltie, but onely to prevent the Spaniard's hopes of their assistance in his intended invasion; nay, in that of 1588, they besought the lord North, then lieutenant of those parts in the presence of the deane of Elye, that they might be employed in hastening forces to Tilbury campes, offering to serve in person, with their sonnes, tenants, and servants, at their owne charge, and to be placed in the front of the battel, to testifie the loyaltie of their harts, and to stopp the mouthes of envious maligners; all this was freely offered by them, notwithstanding the queene had been twice excommunicated; a demonstrable argument, that they were not conditionall (as some objected) but absolute loyal and obedient subjects.

A *fifth motive*,—is, from their immoveable fidelitie to your majestie's predecessors, and your title in them strongly evidenced on all occasions, witnes the act of queene Mary and her catholique subjects, cancelling the forged will of her father, extreamly prejudiciall to your right to this crowne, disproving it in parliament, and deposing the usurping queene Jane, sett up by protestants to the disinheriting of queene Mary and his [1] eldest sister's issue, in whose right the crowne descended to your ancestors and you, by the law of God, nature, and nations. We may add to this motive that Hales his disloyal invective against your majestie's title in the beginning of queene Elizabeth's reigne was fully answered and confuted by sir Anthony Browne, one of the justices of the Common Pleas, and Mr. Edmund Plowden, two

[1] *I.e.* the issue of the eldest sister of Henry VIII.

famous catholique lawyers, and gentlemen of good qualitie.

A *sixth and last motive*,—is, from our constant fidelitie, obedience, and affection towards your father of blessed memorie, in all his late troubles, sufferings, and afflictions, as also to your own royall person, by zealously contributing to your miraculous preservations and deliveries out of the hands of bloody and rebell enemies—What have we not beene readie to doe and suffer to the uttermost of our abilities for preserving your majestie's person, rights, and dignities?—Whose life or fortune hath been spared?—What one knowne catholique of note in your three nations hath ever borne armes against you?—Which of them hath ever betrayed the trust reposed in them? Wee have beene ever constant to your just claim to the succession of this crowne; not ebbing or flowing in our affections, (like some others), according to the vicissitudes of your good or evil fortune, but alwayes resolute to live and dye with your majesty: nor did your father's or your majestie's declared zeale to the protestant religion, any way diminish the loyaltie of our hearts or hinder the performance of our duties: than which what greater or more convincing testimonies of our fidelitie and allegiance can be given to you?—

These things being so,—most royall soveraigne, we cannot doubt but your majestie will, in your princely wisdome, clemency, and justice, allow us to be now restored to that condition, which nature intended us, and is confirmed on us, as free borne Englishmen, by the great chartres of your royall ancestors, of which the violent passion of one prince, the apprehended title of another to the crowne, and the wicked attempt of a few seduced persons, have so unluckily and so long deprived us. Permit us, therefore, most gratious soveraigne,

to exercise securely that religion, in which your pious and most famous ancestors have so long flourished.

And your petitioners shall pray, &c.

25. There followed all the vicissitudes of the reigns of James II, William and Anne; but as no new point was raised on the question that here concerns us we will pass on to the year 1789, when much the same questions were submitted to the University of Douay as had been submitted two hundred years before by their persecutors to Father Campion and his companions.

Charles Butler gives us the following documents:

DOUAY [1]

Extracted from the Register of the Sacred Faculty of Divinity of the University of Douay

January 5th 1789.

At a meeting of the faculty of divinity of the university of Douay, the dean informed them, that the catholics of England were desirous of the opinion of the *faculty* upon three questions, the tenor of which was as follows:

1. Has the pope, by virtue of any authority, power, or jurisdiction derived to him from God, or have the cardinals, or even the church itself, any civil authority, civil power, or civil jurisdiction whatsoever, in the kingdom of England?

2. Can the pope, the cardinals, or the church herself, absolve or free the subjects of the king of England from their oath of allegiance?

3. Is there any principle of the catholic faith, by which catholics are justified in not keeping faith with heretics, or other persons who differ from them in religious opinions?

[1] *Memoirs of the English Catholics*, Charles Butler, i. 445–8.

These questions first having been privately considered by each professor of divinity, and afterwards having been attentively discussed by the public meeting ;

To the first and second of them, the sacred faculty answers, That no power whatsoever, in civil or temporal concerns, was given by the Almighty, either to the pope, the cardinals, or the church herself ; and consequently, that kings and sovereigns are not, in temporal concerns, subject, by the ordination of God, to any ecclesiastical power whatsoever ; neither can their subjects, by any authority granted to the pope or the church from above, be freed from their obedience, or absolved from their oath of allegiance.

This is the doctrine which the doctors and professors of divinity hold and teach in our schools ; and this all the candidates for degrees in divinity maintain in their public theses.

To the third question, the sacred faculty answers, That there is no principle of the catholic faith, by which catholics are justified in not keeping faith with heretics, who differ from them in religious opinions. On the contrary, it is the unanimous doctrine of catholics, that the respect due to the name of God, so called to witness, requires that the oath be inviolably kept, to whomsoever it is pledged, whether catholic, heretic, or infidel.

Done on the day and in the year above stated, by order of the illustrious lords of the holy faculty.

(Signed) BACQ, beadle and secretary.

It agrees with the original. Witness my hand,
BACQ, beadle and secretary.

WE, the sheriffs of the town of Douay, and justices of the police, certify to all whom it may

concern, that the sieur Bacq, who has signed the above deliberation, is beadle, as well as secretary and registrar, to the faculty of holy theology in the university of this town, and that to all acts, so signed by him, credence is to be given in and out of court. In witness whereof, we have caused these presents to be signed by one of the registrars of the said town, and the seal of the said town, where neither stamped paper nor a small seal are in use, to be fixed to them.

The 12th January 1789.

HERBAUT ; by order.

The above questions will have to be summarised again later on, but they are in too close connection with preceding history to be omitted in this chapter, and with them we conclude this brief and incomplete summary. We may note the alternate push from both sides—Pope and King ; while the Catholics of England, as occupying the middle position, were victims of the resultant pressure. Whenever the sky brightened, and liberation seemed at hand, they were once more confronted with the Bull of Pius V, the admonitions of Cardinal Allen, or other pronouncements of the kind ; and whenever the question of the respective rights of civil and ecclesiastical authority arose, the unholy spectre of King John would stalk across the stage. It is ever the same story, in political as in religious history ; rulers and statesmen lay down the conditions, soldiers and laymen die in their behalf.

Elizabeth seems comparatively irresponsible ; the two great rival claimants, who tore England in half, were Henry VIII, with his undoubted claim to spiritual power, and Pius V, with his equally definite claim to temporal power and authority. That claim may have fallen into abeyance, but it was never withdrawn.

A great Catholic thinker wrote to me on Sept. 7, 1914, on election of Benedict XV :

> His Pontificate may well consist in little more than helping to settle Europe again and into happier conditions. And if Benedict XV can work at this really, without a thought remaining for that old, worn out Temporal Power, how much he could, he will do. But the Vatican, will it let him ? Or will he have the strength to rid us finally of this long festering wound ? We must pray and hope and wait.

This was the vital question before our Catholic ancestors in the years from 1774 to 1830. Some of them tried too short a cut in solving the problem—the papal supremacy is the crowning doctrine of religious independence, if it has also been its poison. The Geddes solution was a cheap one. But there were others with the true instinct in the matter ; and one of their leaders, Charles Butler, was not altogether an unworthy successor of Sir Thomas More.

CHAPTER VII

The Penal Laws in the Eighteenth Century

Without going into all the technical details it will be useful, in this place, to give a brief statement of the position of Catholics in England at the time with which we have to deal.

From the reign of Elizabeth onwards the laws in their regard had been subject to various changes and modifications, some for better, some for worse, but throughout all these legal vicissitudes the unvarying fact remained that Catholics, and, in a lesser degree, Nonconformists, were regarded as a class apart, as members of the community not entitled to its full confidence or its highest privileges. To put it in one word, Catholics were *persecuted*.

Now it is important to distinguish two forms of persecution, and this distinction will cast light on later phases of the conflict. There is the persecution which directly attacks the conscience and spiritual liberty and autonomy of those concerned, which attempts to violate the privacy of the soul and to penetrate to the *forum internum*. This is the form of persecution which refuses a man the exercise of his religion, such exercise being, in his mind, of moral obligation and spiritual necessity, and which, furthermore, demands of him declarations in regard to doctrine, or conformity in regard to worship, which are directly opposed to his belief and contrary to his religious profession. This is religious persecution in the strict sense of the word,

and this is a form of persecution which nothing can justify, whether it be exercised by powers Protestant, or Catholic, or Mahometan, or atheistic.

We shall see, presently, that Catholics in England were subjected to this form of persecution even up to the time of which we write.

The second form of persecution consists in depriving people, who profess certain doctrines, of rights and privileges which are accorded to their fellow citizens.

Such action may at times be justified in virtue of supposed or real dangers to the community from those professing the doctrines in question.

Yet here again, unless those professed doctrines contain, in themselves, matter of danger to the community, such a plea falls to the ground, and persecution becomes essentially unjust.

Yet there remains this difference from the first form, as above described, that the persecuted do, in such case, at least retain their own spiritual rights and liberty; they can follow the dictates of conscience, though paying for the privilege by the renunciation of worldly rights.

The Catholics of England were subjected to this second form of persecution as well as to the first, and, indeed, to a much greater degree.

I

As characteristic of the first form of persecution the following penal laws may be cited.

1. Any priest, born in the English dominions, and coming to England (of course for the exercise of his priestly duties) was guilty of high treason, unless he conformed after three days.

There was a reward of £100 to an informer.

2. A Catholic schoolmaster, who did not attend church, or obtain the approval of the English bishop,

could be fined 40*s.* a day, and anyone who kept him was liable to a fine of £10 a month.

3. If Catholics, consequently, sent their children to be educated abroad, they were liable to a fine of £100, and such children were not allowed, eventually, to hold property.

4. There was a fine of £200 for saying Mass, and of £100 for hearing it.

The above penalties were inflicted on Catholics for the exercise of their own religion; there were others inflicted for not conforming to the established religion.

1. Catholics fell under one of two categories. There was the *Popish recusant,* and the *Popish recusant convict,* the difference being analogous to that between the making of a law and the enforcing of it—a difference which has played no small part in the legislative history of England.

The *Popish recusant* was one who did not conform to the law of attendance at his parish church; the *Popish recusant convict* was one who had been prosecuted and convicted of this neglect, and fell under the corresponding penalties.

(The distinction between these two classes of recusant undoubtedly allowed some vent to that spirit of fair play and toleration which is so characteristic of the English temperament.)

2. The *Popish recusant convict* was subject to a fine of £20 for every month that he absented himself from church; he could also, for the same offence, be adjured by four Justices to leave the realm, and could be put to death if he returned.

II

Under the second form of persecution the following laws can be mentioned, though, with regard to some of them, it is difficult to place them entirely

under this second category, as they demand such professions of faith as encroach on the conscience and spiritual liberty of those concerned.

1. For non-attendance at church the following penalties were imposed on the *Popish Recusant Convict*:

(*a*) Such person could not hold office.
(*b*) He could not keep arms in his house.
(*c*) He could not maintain suits at law.
(*d*) He could not be executor or guardian.
(*e*) He could not exercise law or medicine.
(*f*) He could not travel more than five miles without special licence.
(*g*) He could be fined £100 for coming to court.
(*h*) Married women fell under special penalties corresponding to above.

2. An oath could be tendered "to any person by two justices of the peace," and those refusing to take it fell under the heading of "*Popish Recusants Convict*" as above.

Now this oath had varied under the different reigns, but that which would have been proposed before the Relief Act of 1778, dating from William III, and imposed in the reign of George II, contained a clause to which Catholics could not subscribe, for in it was the declaration that "no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, *ecclesiastical* or *spiritual*, within this realm."

The two words in italic express, of course, a definite repudiation of the spiritual power and jurisdiction of the Pope.

3. We have to mention next the Corporation and Test Acts, both of which were passed in the reign of Charles II, that Stuart king who did not know how to keep a promise, and who had been so

well served by those whom he, eventually, so deeply injured. These two Acts remained in force to the time of which we speak.

The Corporation Act demanded of candidates for election to office in any city or corporation that they should have received the Lord's Supper, according to the rites of the English Church, within a twelvemonth before election.

The Test Act prescribed that, before taking civil or military office, the candidate should not only receive the Lord's Supper, but should make the declaration of 25 Charles II against the doctrine of transubstantiation : " I do believe that there is not any transubstantiation in the Sacrament of the Lord's Supper, or in the elements of bread and wine, at or after the consecration thereof, by any person whatsoever."

And, by a further Act in the same reign, in order to sit in either house of Parliament, it was necessary to make a Declaration against Popery, which contained the clause above cited in regard to transubstantiation and the Lord's Supper, with a further declaration that " the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous " (30 Charles II).

It should be noted, with regard to these Acts and Declarations, that they deal, not, as the oaths, with any question of allegiance, but plainly and simply with matters of faith and doctrine that have no possible bearing on a man's life as subject and citizen. They do most definitely outrage every principle of spiritual liberty, and the rights of the conscience.

We all remember the controversy that arose on the occasion of the coronation of Edward VII in regard to that declaration.

4. The landed property of Catholics was subjected to certain special laws and regulations.

(*a*) By a law passed in the reign of William III (11 and 12 Wm. III) any who did not make the above declaration of 30 Charles II could be deprived of the possession of his land, which went, during his life, to the Protestant next of kin, but reverted to his heirs after death. These heirs were, however, subjected to the same conditions.

Thus a Catholic was at the mercy of his Protestant relations, and honour be to those who did not avail themselves of their power.

(*b*) Catholics were subjected to a double land tax.

(*c*) By an Act, 3 George I, they were forced to enroll their deeds and wills.

These, then, were the Penal Laws, under varied forms of which Catholics had lived since the reign of Elizabeth.

To revert to my first main distinction, some of these laws imposed on Catholics acts not consonant with faith and conscience, or denied them the right to perform those acts to which faith and conscience obliged them.

Others of these laws, while leaving them the possibility of practising the duties of their religion, cut them off from their life as citizens, and from all share in the political duties and rights of their country.

The country, at large, was better than its laws, and Catholics did many things which could have been turned against them by those who chose. But, if they were spared to a great extent, their position was, nevertheless, ignominious ; they were tolerated but not righted—they were outcasts and pariahs in the eyes of the law.

Under this long-drawn-out system of repression a good many eventually gave way ; even some families, now foremost in their earnest devotion

to the faith, had a period of lapse. But others remained staunch throughout. Priests came back from the foreign seminaries and carried on their priestly duties; laymen bore the cost of their maintenance and kept the Catholic religion alive amongst their dependants.

Ardent and fearless, determined to recover their civil rights without any sacrifice of their religious duties, a little body of laymen now formed themselves together to obtain, by right, what they had partially obtained by toleration, and to recover other privileges of which they were wholly deprived. Robert Edward Petre was one of the most stalwart fighters in the good cause, of which some history is now to be given.

CHAPTER VIII

The First Catholic Committee and the Relief Act of 1778

The origin of the Catholic Committee, which played so important a part in the work of Catholic Emancipation, is to be placed in the year 1778, or a little earlier; and its first task was the advocacy and promotion of the Relief Act of 1778.

Up to that time the lay action of English Catholics had consisted, mainly, in sheltering priests, supporting missions, and maintaining chapels in their own houses, which thus became the centres of Catholic life in the surrounding district.

It was, in part, their prolonged adherence to the Stuart cause which had rendered Catholics somewhat apathetic in the matter of their civil disabilities; they were not so eager to recover the full rights of citizenship in a political order to which they were averse. But by degrees their attachment to the Stuart family, which had so little merited the sacrifices they made for it, died of inanition. Some old families, and especially those in the North, had, by then, acquired habits of retirement: habits which undoubtedly persisted amongst some of us long after total Emancipation. I can certainly trace the survival of such characteristics in my own father, with his stubborn aloofness from matters of court and world. "Would he not attend a royal *levée*, in order that his wife and daughters might be invited to court balls?" No, he would not—he was not going to

put himself in court-dress and "make a fool of himself in his old age." (This he said some years before his death at the not very advanced age of 54.)

But at the time of which we write there were others who had been brought into closer contact with the outer world; whose character and fortune had won them respect amongst their non-Catholic fellow-citizens; and who felt that the time had come to obtain, in the first place, totally and by right, that freedom in the exercise of their religion which they had, hitherto, only enjoyed partially, and in virtue of tacit toleration; and, in the second place, to recover those civil privileges which they had ungrudgingly sacrificed so long as the possession of them entailed disloyalty to their religious obligations.

We are only beginning the story, but it will be well to make at once a distinction between these two claims, of which the first was distinctly religious in character, while the second dealt mainly with questions of property and civil life. Hence the first question interested the clergy as much as, or even more than, the laity; while the second chiefly concerned the latter.

The Church, from a temporal point of view, has an obvious interest in supporting the rights of a Catholic dynasty,—in maintaining or promoting the union of Church and State; but she has no direct interest in the purely civil rights and privileges of her children, and the clergy could not be expected to take action in such matters of their own accord. In fact, they may even have had something to say on the other side, as when Dr. Walmesley wrote to the Catholic Committee in 1788 on the dangers which might accrue to the faith and character of Catholics from sharing the lives of their Protestant countrymen, and entering the Army, the Navy, or the Houses of Parliament.[1]

[1] See *Dawn of the Catholic Revival*, i. 6, Dr. Bernard Ward.

On the part of a truly holy bishop, as was Dr. Walmesley, such fears are noble and touching. A man who could abandon his own scientific career, because it seemed to infringe on his life of devotion,[1] is to be listened to with respect when he maintains that it is better to be a lowly member of the household of God than to dwell in the palaces of the worldly. Can it be denied that it is hard to be in the world and not of it ? Can we blame those who cared more for the religious safety of their flock than for their worldly careers and privileges ?

Yet we know—history shows it—that certain trials cannot be unduly prolonged without losing their virtue and bringing contrary evils in their train.

Our ardent and assured converts of the last half of the nineteenth century were critical enough of the backwardness of our Catholic forefathers. What more might they not have had to say had the isolated situation of English Catholics been yet further prolonged, with its attendant disadvantages ?

Furthermore, isolation may render its subjects diffident and awkward, it may even render them careless in regard to the use of the letter H,[2] but it also tends most undoubtedly to confer a narrow self-assurance which worldly usage soon uproots. Those of us who belonged sufficiently to that past to have been brought up in a certain remote and haughty seclusion will know what I mean. We might think ourselves behind others in dress and fashion, while thinking ourselves vastly superior to them in character or descent. One of our late novelists called the world a " School for Saints," and a lady

[1] Charles Butler relates that he gave up the pursuit of mathematics because he caught himself tracing a diagram on the corporal during Mass.

[2] See Dr. Ward's remarks on this point. Yet did it never occur to him and others that education in France might have been, in great part, the cause of the neglect of this important letter, since the aspirate is mostly suppressed in that language ?

I knew once said to me that a London season was a wholesome counteractant to the conceit of a country-bred girl. If Dr. Walmesley's views had prevailed, our Catholic families might have ended as prigs and Pharisees rather than saints.

We shall probably see, as we go on, that our ancestors were not without some touch of worldliness in the course they followed ; and we must remember that the first draught of a new wine (for the world was new to them) is apt to be somewhat intoxicating. But I do not think we shall have to blush for any sacrifice of principle ; for any lowering of the flag of God at the feet of mammon.

There was a touch of subserviency in some of their utterances, just as such a note may be observed in Lord Petre's diary of the visit of the King ; this may be regretted, though it is not, under the circumstances, very surprising.

In 1778 the Catholic Committee first took direct political action by the presentation of a petition to George III. Of this petition Mr. Wm. Sheldon—not, as later on, Mr. Charles Butler—would have been the author, as secretary for this first Committee. The petition was drawn up during the same year as that of the visit of George III to Thorndon, and Lord Petre was, probably, a primary mover in its presentation. It ran as follows :

To the King's most excellent Majesty. The humble address of the Roman Catholic peers and commoners of Great Britain.

Most Gracious Sovereign,

We your Majesty's most dutiful and loyal subjects, the Roman Catholic Peers and Commoners of your kingdom of Great Britain, most humbly hope that it cannot be offensive to the clemency of your Majesty's nature, or to the maxims of your just and wise government, that any part of your

subjects should approach your royal presence to assure your Majesty of the respectful affection which they bear to your person, and their true attachment to the civil constitution of their country, which, having been perpetuated through all changes of religious opinions and establishments, has been at length perfected by that revolution which has placed your Majesty's illustrious house on the throne of these kingdoms, and inseparably united your title to the crown with the laws and liberties of your people.

Our exclusion from many of the benefits of that Constitution has not diminished our reverence for it. We behold with satisfaction the felicity of our fellow subjects, and we partake of the general prosperity which results from an institution so full of wisdom. We have patiently submitted to such restrictions and discouragements as the Legislature thought expedient. We have thankfully received such relaxations of the rigour of the laws [1] as the mildness of an enlightened age and the benignity of your Majesty's government have gradually produced, and we submissively wait, without presuming to suggest either time or measure, for such other indulgence as those happy causes cannot fail in their own season to effect.

We beg to assure your Majesty that our dissent from the legal establishment in matters of religion is purely conscientious, that we hold no opinions adverse to your Majesty's government, or repugnant to the duties of good citizens. And we trust that this has been shown more decisively by our irreproachable conduct for many years past, under circumstances of discountenance and displeasure, than it can be manifested by any declaration whatever.

[1] This was more by an indulgence in their administration than by legislative relaxation.

In a time of public danger, when your Majesty's subjects can have but one interest, and ought to have but one wish and one sentiment, we humbly hope it will not be deemed improper to assure your Majesty of our unalterable attachment to the cause and welfare of this our common country, and our utter detestation of the designs and views of any foreign power against the dignity of your Majesty's crown, the safety and tranquillity of your Majesty's subjects.

The delicacy of our situation is such that we do not presume to point out the particular means by which we may be allowed to testify our zeal to your Majesty, and our wishes to serve our country ; but we entreat leave faithfully to assure your Majesty that we shall be perfectly ready, on every occasion, to give such proofs of our fidelity and of the purity of our intentions as your Majesty's wisdom and the sense of the nation shall at any time deem expedient.

Signed by the Duke of Norfolk, the Earls of Surrey and Shrewsbury, Lord Linton for the Scotch —Lords Petre, Stourton, Arundell, Dormer, Teynham, Clifford, and 163 commoners.

The Relief Bill of 1778 was first introduced by Sir George Savile, May 14—whose house was pillaged on June 5, 1780, by Lord George Gordon's crowd. Lord Beauchamp supported it. It was read *nem. con.*

On May 18 Sir George Savile moved the second reading in the House of Commons, and the same took place in the House of Lords May 25, 1778.

The effect of this Relief Bill (18 George III) was, first and foremost, to abolish the system of informers, and the prosecution of bishops, priests, Jesuits and teachers. It did not directly legalise religious worship, nor legitimise the clergy in the exercise of their

functions, nor permit the existence of Catholic schools, but, by withdrawing the prosecution of ministers and teachers of religion as such, accorded a certain measure of indirect toleration. "Papists" were no longer liable to life-long imprisonment, and they could now hold real property by descent or purchase.

It was in recognition of this Act, and in thanks for the same, that the Vicars Apostolic ordered prayers for the Royal Family.

As was to be the case with a later Act of Relief, this one carried with it the obligation of an oath to be taken by those who claimed its privileges.

Here, for the first time, we find Lord Petre taking a prominent part in the negotiations with both civil and ecclesiastical authorities, and Charles Butler gives a very definite account of one particular transaction. The emphasis he employs was, undoubtedly, inspired by later disputes.

He tells us that Lord Petre and some other gentlemen waited on Bishop Challoner to submit to him the text of the oath which had been offered for their acceptance.

We have seen, in the last chapter, that the oath submitted to Catholics up to that time contained a clause regarding the ecclesiastical and spiritual authority of the Pope to which a Catholic could not adhere. That clause was absent from the oath now proposed, and the Committee were desirous to ascertain whether it could be regarded as satisfactory to the conscience of a Catholic.

Charles Butler gives the following account of the course of action adopted by the laymen concerned in the matter [1]:

> As soon as the terms of it were arranged, to the satisfaction of his majesty's ministers, it was

[1] See *Memoirs of the English Catholics*, vol. iii.

communicated to the four Vicars Apostolic, and admitted by them all. Lord Petre, and some other gentlemen, waited upon the late bishop Challoner and put it into his hands. He perused it with great deliberation, and explicitly sanctioned it. He observed, however, that it contained some expressions, contrary to the Roman style; that these might create difficulties at Rome, if Rome were consulted upon it beforehand: but that Rome would not object to the oath, after the bill was passed. He therefore recommended to the gentlemen, who waited upon him, to avoid all unnecessary delay in procuring the act. This fact is known to every person who has lived in habits of intimacy with lord Petre, or with any gentleman who accompanied his lordship to the venerable prelate. For the truth of it, the writer has leave to cite sir John Throckmorton, who repeatedly heard it from lord Petre, and Mr. Joseph Berington, who repeatedly heard it from Mr. Stapleton. The writer himself has repeatedly heard lord Petre mention it.[1]

The oath was expressed in the following words:

I, A. B., do sincerely promise and swear, that I will be faithful, and bear true allegiance to his majesty king George the third: and him will defend, to the utmost of my power, against all conspiracies and attempts whatsoever that shall be made against his person, crown, or dignity; and I will do my utmost to endeavour to disclose and make known to his majesty, his heirs and successors, all treasons and traitorous conspiracies, which may be formed against him or them; and I do faithfully promise to maintain, support, and

[1] Lord Petre himself was dead when these words were written, and could no longer add his testimony.

defend, to the utmost of my power, the succession of the crown in his majesty's family, against any person or persons whatsoever ; hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the style and title of prince of Wales,—in the lifetime of his father ; and who since his death, is said to have assumed the style and title of king of Great Britain, by the name of Charles the third ; and to any other person, claiming or pretending a right to the crown of these realms ; and I do swear, that I do reject and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics ; and also that unchristian and impious principle, that no faith is to be kept with heretics : I further declare, that it is no article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated by the pope and council, or by any authority of the see of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever ; and I do declare, that I do not believe that the pope of Rome, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporary or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever ; and without any dispensation already granted by the pope, or any authority of the see of Rome, or any person whatever ; and without thinking that I am, or can be, acquitted before God or man, or absolved of this declaration,

or any part thereof, although the pope, or any other persons or authority whatsoever, shall dispense with or annul the same, or declare that it was null or void.

We have already seen the text of the oath of James I, and we may observe the kinship between that one and the one now before us. In the time, however, of James I it was not against a rival claimant to the throne that the allegiance of Catholics had to be secured; it was against the deposing power claimed by the Pope, and against any action of a foreign power instigated by the Holy See. In this later oath there is the same repudiation of the temporal rights of the papacy in such matters, with an added safeguard of loyalty to the House of Brunswick as against Stuart claims. The oath of James I denounces as *impious and heretical, this damnable doctrine and position* that excommunicated princes may be deposed or murdered by their subjects; in this later oath such a doctrine is simply abjured, and declared to be *no article of faith.*

The same declaration is made, in both oaths, in regard to the doctrine of equivocation, and the right of any ecclesiastical power to grant absolution from the obligations of the oath.

Dr. Milner, in his "Supplementary Memoirs," says that this Relief Bill is to be remarked in so far as it was passed "without dissension among the Catholics themselves." He puts this down, in great part, "to the religious, honourable and straightforward conduct of William Sheldon, Esq.," who acted as secretary. Yet, if Charles Butler, whom Milner hated as he knew how to hate, was absent, Petre and Throckmorton, who were likewise the objects of his steady opposition and dislike, were present; and their subsequent secretary, Charles

Butler, had no word of criticism for the action of his predecessor, William Sheldon.

Was it, then, so much owing to the presence of Mr. Sheldon that peace reigned in the Catholic household during these negotiations, as it was owing to the absence of Milner? Is it lawful to hazard the guess that, without him, subsequent negotiations might often have run a peaceful and harmonious course?

We might also find another reason for the calm and unanimity of the Catholic body on this occasion in the fact that this first Relief Bill dealt with matters of life and death, and with the very existence of the Catholic religion in our land. Later Acts, however important, could never again be of the same vital necessity. It was, for instance, after the passing of this Act and not before, that a man like Dr. Walmesley could express hesitation and doubts in regard to the advantages of further Relief.

Yet, when all was said, the Bill of 1778 was but a meagre contribution to religious liberty, let alone civil rights and privileges. In the Memorial which was presented, ten years later, by the Catholic Body to Mr. Pitt, the following grievances could still be enumerated:

> That by the laws now in force against persons professing the catholic religion, your memorialists are deprived of many of the rights of English subjects, and the common rights of mankind:
>
> They are prohibited, under the most severe penalties, from exercising any act of religion, according to their own mode of worship:
>
> They are subject to heavy punishment for keeping schools, for educating their children in their own religious principles at home; and they are also subject to heavy punishment for sending their children for education abroad:

They are made incapable of serving in his majesty's armies and navies :

They are restrained from practising the law, as barristers, advocates, solicitors, attorneys, or proctors :

They are obliged, on every occasion, to expose the most secret transactions of their families, by reason of the expensive and perplexing obligation of enrolling their deeds :

They are subject, by annual acts of the legislature, to the ignominious fine of the double land-tax :

They are deprived of that constitutional right of English freeholders, voting for county members : They are not allowed to vote at the election of any other member : They are therefore absolutely unrepresented in parliament :

They are excluded from all places civil and military :

They are disqualified from being chosen to a seat in the house of commons :

Their peers are deprived of their hereditary seat in parliament ; and their clergy, for exercising their functions, are exposed to the heaviest penalties and punishments, and, in some cases, to death.

Something, then, had been done in 1778, but much remained yet to be done.

CHAPTER IX

Protestant Panic

"Fear is nothing else than the betrayal of reason!"

Nietzsche charged the human race with sloth and cowardice; and might it not be said that many of the worst mistakes that have been made in national, still more in international, politics have been the result of fear? Most of our actual problems would be solved—or, better still, forgotten—if we ceased to fear; if we were more confident of our own strength and virtue, and if we were also less preoccupied by the care of mere self-preservation.

St. Theresa said the devil himself could not hurt those who did not fear him; and how often our difficulties have been ended when we simply decided not to worry, not to fear; to risk all other losses in the confidence that only self-failure and self-treachery are truly fatal to self.

Persecution is the policy of those who fear, and the result of the Relief Act of 1778 was one of those strange outbreaks of terrified savagery from which the world is never wholly secure.

It was on the occasion of Edmund Burke presenting a petition from Scotch Catholics pleading for redress and future protection, after the riots of 1779, that Lord George Gordon made his first speech on the subject.

His character is well known to history; he was one of those enthusiasts who are dangerous only because there is an ever-present element of violence

in human nature which exults at finding itself the instrument of a moral cause. Enthusiasts who appeal only to the spiritual side of human nature are pathetically innocuous to the crowd.

Of course, as in all other such movements, an immense number of the noisiest and most violent actors were impelled by any but religious motives. Yet there was, undoubtedly, a large element of that middle-class terror which is so easily roused against anything which resists their ordinary standards of average conduct and worth.

Catholicism has sometimes, unhappily, shown itself terrible when, being possessed of worldly as well as spiritual power, it has been untrue to its own principles, and used the sword which its first bishop had been told to keep in its sheath. But the Catholicism which, on the occasion with which we are dealing, and on other occasions, has inspired this curious fear in the Protestant mind, is not Catholicism in power ; it is Catholicism as a strange, self-contained force, possessed of an assurance in regard to its own hidden ideals and worship and conduct, which is productive of terror and alarm to those whose life is entirely plain and average.

In spite of our friendly relations with Protestant friends and neighbours, I cannot but think that, even in my childhood, there was something left of this mysterious dread even among many of the educated classes. It is even yet existent amongst certain not highly educated Nonconformists, for I have had amusing proofs of the fact. One curious manifestation of it occurs occasionally in regard to Catholic prayer and intercession. We ourselves are painfully aware that we do not always get what we pray for ; our simpler Protestant brethren sometimes appear, not only to disapprove of our prayers, but to dread them as though they suspected them to contain some occult force of persuasion.

Something of this temper of mind, of this blind fear of the unknown, this suspicion of what was strange, inspired the hideous outbreak of the Gordon Riots, whose temporary success was due to the inexcusable apathy of the forces of law and order, always excepting the King.

In 1779 the Protestant Association had been formed, with Lord George Gordon as President. In 1780 John Wesley had published his "Defence of the Protestant Association," in which he set forth the dangers of granting toleration to the Catholic religion.

There is an unpleasant tendency in human nature to avenge itself for persecution by persecuting; to kick a dog if somebody else kicks you. Even men who have suffered for their liberal tendencies have been known to seek reparation by loudly condemning those who go a little further. That John Wesley should have figured in that "galère" was an example of this human weakness.

Catholics had, to some extent, common cause with the Nonconformists in the pursuit of religious liberty; in some cases Protestant dissenters had enough mind and conscience to recognise this fact; but at other times they thought they could do better for themselves by not allowing others to share the raft.

It would be superfluous to give an account of these riots; the story has been often told. They were not only directed against Catholics, but even more against public men who had espoused the Catholic cause. Thus Sir George Savile's house was pillaged, the houses of Lord North and Lord Mansfield were attacked, the great Burke was threatened. From June 2, 1780, to June 7 the storm raged, until the King himself intervened, with the famous word that one magistrate at least should do his duty.

The Gordon Riots were not without their influence on the subsequent history of Catholic Emancipation. They induced, in the minds of some Catholics, a dread of fresh legislation in their favour, lest it should result in a repetition of like horrors.

Of Dr. Walmesley, whom we shall find, later on, as one of the chief opponents of the Catholic Committee in their efforts to obtain relief from the remaining civil disabilities, Dr. Ward writes thus:

> As a bishop Dr. Walmesley lived a retired life at Bath, where his experiences during the Gordon Riots, when his house and all his books and papers were burnt by the mob, seem only to have confirmed his spirit of retirement and reserve. All he asked for was to be allowed to practise his religion undisturbed, to be able to administer the sacraments to the scattered groups of Catholics in his district, and to provide priests to minister to the various congregations at the country seats of the gentry and other centres where Mass was celebrated. Beyond this point his hopes did not travel. He even sympathised with those who shrank from any agitation for the repeal of the Penal Laws, for fear of being drawn into publicity, and from the vague apprehensions of something worse happening to them.[1]

Widely different was the temper of mind of such a man as Joseph Berington, staunch in faith, but fearless in the pursuit of right. Speaking with gentle reprobation of those Catholics who shrank into silence after the Gordon Riots, and would even have consented, in the interests of safety and peace, to a repeal of the Relief Bill of 1778, he says that he, for his part, will not sit silent under repression, nor owe his liberty to mere tolerance.[2]

[1] *Dawn of the Catholic Revival*, i. 5.
[2] *The State and Behaviour of Catholics.*

It was a little later, and after events with which we have yet to deal, that the subject of this memoir ventured on his one literary effort, in a controversy with the Bishop of St. David's on the subject of the above described opposition of Nonconformists to the liberation of their Catholic fellow-sufferers. Dr. Horsley had very injuriously discriminated between the case of Protestant dissenters and that of Catholics as regarded their right to toleration. Lord Petre replied by a "Letter to the then Dr. Horsley, Bishop of St David's," [1] dated from Park Lane, March 22, 1790. A short analysis of it will find its place better here than later on.

> Until now [he writes] I little thought of ever being engaged in a controversial correspondence with any man; much less with a learned bishop of the Church of England. But a pamphlet having lately appeared, entitled "A Review of the case of the protestant dissenters" . . . in which you have been pleased to throw out expressions so injurious to the English Catholics in general, and so pointedly injurious to the very few remaining Catholic peers in particular, who, with me, still adhere to the religion of our ancestors; that I could not, on reading them, but feel as every man of honour ought to feel; and feeling as I do, I cannot help expostulating with your Lordship on the very great impropriety of traducing us; and that at a time when we fondly entertain hopes of being relieved etc.
>
> Though the small number of remaining Catholic Peers . . . brings the reflection nearly to a personal attack on their characters, I shall omit all further observation on its illiberality. . . .
>
> My Lord, the Catholic world is as honourable and as conscientious as any other part of the

[1] It can be seen in the British Museum, Press-mark $\frac{698.\ L.15}{7}$

> globe ; and would it not indeed be repugnant to sound reason to believe that, if a religion held perjury lawful, and oaths not binding . . . an honest man could any longer remain a member of such a Church ? But such must be the case, if your assertion be admitted. . . .

He declares his respect, and that of other Catholics, for the Throne and even for the ecclesiastical government as by law established ; and refers to the efforts of Protestant Dissenters to obtain a relief that was not extended to Catholics.

> To this [he continues] your Lordship's answer is strange indeed. You deny that Papists are excluded from Parliament by any oath or declaration whatsoever.

His adversary had declared that they were only excluded by reason of their unfavourable notoriety, and because, in virtue of their religious tenets, they did not regard oaths as binding. This, he argues, is to declare them either fools or knaves ; and if knaves yet fools also.

> Yet still our knavery must have a wondrous dash of folly. For if oaths or declarations cannot bind our conscience, why have we so long and so obstinately opposed them (to their own grievous loss) ?
>
> In fact, my Lord, we have from prejudices and misapprehensions, sometimes refused to take even innocent oaths that were tendered to us, because we conceived we could not reconcile them with our religious creed.

He refers here to the great oath controversy with which we shall deal presently. He goes on to urge, very shrewdly, that if it is *not*, as Dr. Horsley

had argued, the imposition of these oaths that prevented Catholics from availing themselves of their political privileges, the point could easily be proved by the withdrawal of such conditions.

He next emphatically repudiates the bishop's charges of casuistry. Such charges would, I think, have been peculiarly ill-directed as regarded himself, for certainly the family, as I have known it, not only lack all talent for subterfuge, but are even wanting in subtlety. Sir William Petre seems to have exhausted the family reserves in regard to those articles.

He then goes on to defend the Catholic clergy from those charges of ignorance and coarseness which the bishop had brought against them.

> Our clergy are in some branches of public learning and knowledge of the world inferior to the generality of your clergy, but they are not inferior in probity and candor.
>
> . . . Of the integrity of even the most bigotted of our clergy we can offer an immediate proof; several of them are so averse to our new proposed oath of allegiance that they have publicly declared their disapprobation of it . . . This I and many others of our clergy and laity think a sign of their ignorance and mistaken zeal . . . but surely it is no proof of their disingenuity.

The most madly aspiring Popes, he continues, were not guilty of these subterfuges—(thus Paul V forbade the oath of James I).

> That the Court of Rome will readily and explicitly renounce even its usurped privileges, is hardly to be expected. We know no court or potentate that has ever been guilty of so heroic a deed; it is enough that they may be wrested from their hands, and that it be put out of their power to resume them.

He goes on to say how eminent Catholic divines have denied these powers to the Papacy, though their opinion was too much neglected.

He cites instances of the loyalty of Catholics on the occasion of the Spanish invasion, naming, in particular, Sir Thomas Gerard, Sir Thomas Vavasor, Sir Charles Blount.

He refers to the Protestation, of which more later on, and distinguishes between the conception *Papist*, and the Protesting Catholic. He refers to the differences of opinion which then obtained amongst Catholics, but goes on to declare on what points no dissension exists. First of all :

> Where morality is concerned ; in that point unanimity prevails, as it does in acknowledging the Bishop of Rome to be the first Bishop of the Catholic Church ; through the medium of which See your Lordship derives your ordination equally with the Clergy of our religion.

This is a curious and rather interesting allusion to Anglican Orders ; with quite unconscious prevision of the question which was to be a burning one later on. He is actually making, of the worth of the arguments in favour of their validity, an argument in favour of the supremacy of the See of Rome.

He reiterates his declaration that the power and jurisdiction of the Papacy are purely ecclesiastical and spiritual, but his affirmation of the true rights of the Holy See is highly significant in this place, as an answer, in the very heat of battle, to the monstrous charges of schism levelled by the great enemy, Dr. Milner, against him and his party.

He concludes with a paragraph that I gladly leave in its literary imperfection, since the lack of grammatical polish gives me the greater hope that

this letter not only expresses the genuine sentiments of its writer, but was also his actual composition.

My Lord, I shall now conclude this exposition of my principles, as well as those of the communion to which I belong, not, I can assure your Lordship, without suffering very considerably for them and myself; as men of honour, called upon to exculpate ourselves from being suspected to prevaricate, to have subterfuges for our consciences, and to be incapable of being bound conscientiously by oaths.

Yrs. etc.
PETRE.

PARK LANE. *March 22nd*, 1790.

CHAPTER X

The Catholic Committee of 1782

Monstrous occurrences, such as the Gordon Riots, make us realise how easy it is for civilised human beings to relapse into savagery ; but what, doubtless, alarmed many Catholics more than the violence of the mob was the apathy of the ruling forces of law and order. The outbreak had been tolerated for hours and for days, and if this could happen once, why could it not happen again ?

We have seen what was the effect produced on the mind of a holy, but somewhat timorous, man like Dr. Walmesley ; and there were others—laity as well as clergy—inclined to share his views—to ask whether further liberties could not be purchased too dearly at the possible cost of a recrudescence of the days of persecution.

Happily there were staunch, brave men who were confirmed, rather than weakened, in their resolve to end, once for all, a state of things in which Catholics could thus fall victims to blind prejudice, and the best answer to the counsels of reaction and timidity was the formation of the Catholic Committee, of which Charles Butler at once became the guiding spirit.

In the opening words of his account of this Committee Dr. Bernard Ward writes thus :

> We have now to enter on the story of the long and bitter disputes between the bishops and some of the leaders of the Catholic laity which form so

unpleasant a feature of this period of our history. It is difficult to define the causes of the rising at this time of an anti-clerical spirit in the Catholic body, or to analyse the feelings which in their ultimate issue resulted in actions which seem now almost incredible. We cannot believe that such good and devout members of the Catholic laity could have been at heart disloyal. Yet it cannot be denied that there had grown up amongst them an undefined sense of distrust of their spiritual rulers and a suspicion that the bishops were taking too strict a view of the position of Catholics. There was undoubtedly a feeling that the accepted attitude of dependence on the Holy See was incompatible with the national aspirations and duties of an Englishman ; and it was even questioned whether the Penal Laws themselves had not been, at least to some extent, due to the unreasonable attitude assumed by the Catholics of former days.[1]

I have already expressed my admiration for Dr Ward's history of the times with which we are dealing, though his thoroughness, his ability, his transparent truthfulness need no tribute from me. Mine is but a slender work compared with his ; and it is only the sense of family traditions, of the lay outlook in such matters, and of the need of a more definite expression of certain facts with their consequences, that has carried me through my work, in spite of my contact with a more massive achievement.

Yet here I venture on a word of criticism. Why does he wonder at actions for which he has himself so well furnished the cause and the motives ? Why does he not frankly recognise what he has, after all, so abundantly described, namely, the evil influence

[1] *Dawn of the Catholic Revival*, i. 87.

and incendiary character of one man in this controversy : a man who did more real harm and was far more dangerous on the ecclesiastical side than was Dr. Geddes, in some of his ill-judged pronouncements, on the lay side ? Why does he speak in such unqualified terms of *distrust of spiritual rulers* and *suspicion of the bishops*, when so many priests, and not by any means the least holy of the bishops, worked at first, and some of them throughout, in union and harmony with the laity, and yet lost no iota of their dignity and received all those testimonies of spiritual respect to which they were entitled ?

And all this until one man broke in on the scene and so confused and disturbed procedure that, had the schism, which he continually denounced, occurred, he would have been one of those most responsible for its occurrence.

Lastly—yet I ask this question knowing that, in his position, Dr. Ward could hardly have ventured on complete outspokenness—why did Dr. Ward not plainly admit that what lay at the root of the trouble in this controversy was the vexed question which had complicated the Catholic cause from the days of Elizabeth onwards, the question of the Temporal Power ?

In spite of the superior intellect of Dr. Geddes his views did not really influence his patron, Lord Petre, and the other Catholic laymen. As we have seen in the letter of the former to Dr. Horsley, as we may see in all their considered utterances, their faith remained staunch and impregnable on the doctrine of the ecclesiastical and spiritual supremacy of the Holy See. But they would, undoubtedly, have paid a big price to get from Rome an *ex officio* repudiation of the political supremacy and the deposing power of the Pope, and since they could not get it they took on themselves to supply the deficiency.

That the course of the controversy led some of them, especially, I think, Sir John Throckmorton and my own ancestor (if I may say so, without offence, the former more than the latter, probably because of his superior learning and controversial ability), into certain actions and utterances contrary to good form in the dealings of the laity with the clergy, and contrary to the perfectly correct and orthodox presentation of their cause, is, I think, not to be denied.

But even the more for this regrettable fact does their utter loyalty stand forth in their unswerving maintenance of the Catholic doctrine of the spiritual authority of the Holy See. There must have been, deep in their breasts, a sense of Catholic tradition, and an unconscious perception of the value of that doctrine to the spiritual life of the Church, making of her, as it should do, a City of God on earth, not subject to the vicissitudes of national and political life.

Of belief in Papal Infallibility there would, of course, have been found no trace in their utterances, and on this point they were at one with their great opponent Dr. Milner, who, in several places, deals in a distinctly negative manner with this doctrine. In his second letter to the House of Commons [1] he says, speaking of the proposed oath and referring to the words it contained—" I acknowledge no Infallibility in the Pope," that

> the number of persons on their (his) side of the question who believe in the Pope's personal infallibility is, to appearance, as small as amongst the Gentlemen on the other side.

Yet, with the caution of a theologian, he also protests against making an assertion in this sense;

[1] " Certain Considerations on behalf of the Roman Catholics who have conscientious objections to changing their name, and to the form of words in which certain passages appear in the Oath," etc., March 7, 1791.

for the theologian is, like the lawyer, as cautious in denial as in affirmation.

The laity were, naturally, more ready to make assertions on doctrinal matters than the clergy ; they considered that it was enough to stand fast by the faith which had been handed to them, without either maximising or minimising its contents. Theologians, on the contrary, regard doctrine as not only a faith but a science, and they have a sense of its implications and its possibilities.

The Catholic Committee of 1778 lasted, in its active character, but a short time, though it was not actually dissolved until the new one was formed in 1782.

This, really the *second* Committee, was formed at a meeting of Catholics in the rooms of the Catholic lawyer, Mr. William Sheldon, on June 3, 1782. Thirty members of leading Catholic families were present, of whom the following is the list as preserved in the Minute book.[1]

The Right Honorable George Talbot, Earl of Shrewsbury
The Right Honorable Charles Stourton, Lord Stourton
The Right Honorable Robert Edward Lord Petre
The Right Honorable Hugh Lord Clifford
The Honorable Hugh Clifford
Sir Henry Charles Englefield, Baronet
Sir Robert Throckmorton, Baronet
Sir Carnaby Haggerstone, Baronet
Charles Dormer, Esqre.
Ralph Sheldon, Esqre.
Thomas Riddell, Esqre.
Francis Cholmeley, Esqre.
William Maxwell Constable, Esqre.
John Wright, Esqre.

[1] Add. MS. 7961, f. 2, British Museum.

John Courtenay Throckmorton, Esqre.
Henry Crathorne, Esqre.
Thomas Hornyold, Esqre.
John Jones, Esqre.
Cosmas Neville, Esqre.
John Needham, Esqre.
John Vincent Gandolfi, Esqre.
William Fermor, Esqre.
Francis Wright, Esqre.
Walter Smith, Esqre.
Thomas Stapleton, Esqre.
Basil Fitzherbert, Esqre.
Francis Plowden, Esqre.
William Sheldon, Esqre.
Charles Sheldon, Esqre.
Charles Butler, Esqre.

The list is typical of English Catholicism at that time. On the leading Catholic families had long rested the material responsibility for the maintenance of the Catholic religion; hence from them were drawn the representatives of the Catholic cause at such a meeting.

Dr. Milner writes a most amazing page in his Supplementary Memoirs[1] on the formation of this Committee:

> Our learned historian[2] [he says], in speaking of this eventful circumstance, says, it took place, on May 3, 1787: whereas an original paper dated "May 24, 1783," and signed under the hands of the five persons, chosen at the first mentioned date, now lies before the present writer, in which they declare themselves to be at that time, "the Committee appointed to manage the public affairs of the Catholics in this Kingdom." Why is the prior existence of the Committee so called,

[1] *Supplementary Memoirs of the English Catholics*, pp. 46–7.
[2] Charles Butler.

> concealed from the public? Was it from the historian's ignorance of the fact?—But he himself acted as secretary to the first junta, and was complimented by it with a piece of plate of the value of £50, and £20 to his clerk for his services rendered to it—was it because this pretended Committee of the Catholics had no commission whatever from any one except themselves? Or was it because they did nothing in our affairs of sufficient consequence to be mentioned? But, unfortunately, the writer has in his hands pregnant proofs to the contrary—and here properly begins that system of lay-interference and domination in the ecclesiastical affairs of English Catholics, which, under the direction of the secretary alluded to, has perpetuated disorder, divisions, and irreligion, among too many of them for the last forty years.

This is, surely, to be reckoned amongst his numerous efforts to prove the virtue of his own past by calumniating his opponent. Charles Butler mentions the formation of this—which is called the first, but was, strictly, the second Catholic Committee, of 1782, but in the passage which Milner quotes he is beginning the far more important history of the third Catholic Committee, that of 1787.

There was but little public work achieved by the Committee of 1782, and Butler doubtless thought it unnecessary and undesirable to insist much on matters which had been transacted, almost privately, between the Committee and the clergy and had not come into the domain of public history, as did their line of action after the formation of the Committee of Ten in 1787.

To return, then, to the meeting of June 3, 1782; the first act was to dissolve the Committee of 1778; the second was to constitute a new one, whose term of existence was to be limited to five years; the third

was to arrange for an annual general meeting of English Catholics, which was to take place on the first Thursday in May. The month of May had always been a favourite one amongst English Catholics, and its brightness and floral tributes, before it had been eclipsed by the present devotion to October, are one of the poetical reminiscences of Catholic childhood.

Five members were elected at this first meeting, viz. Lord Petre, Mr. Hornyold, Mr. Stapleton, and by a second ballot, Lord Stourton and Mr. Throckmorton. Later on the following members were added as representatives of the four ecclesiastical divisions of the country, the Northern district receiving two members :

London District	.	Sir Henry Englefield.
Midland ,,	.	Mr. William Fermor.
Western ,,	.	Lord Clifford.
Northern ,,	.	Sir Carnaby Haggerston.
,, ,, (Lancashire, Cheshire)	.	Mr. John Townley.

Dr. Ward tells us of the existence, in the Westminster Archives, of the draft of a proposed protest of the clergy against the Committee, which is in the handwriting of Dr. Milner. His anger had been roused by the refusal of the Committee to include representatives of the clergy *chosen by their own body* ; but it would, of course, have been contrary to the whole constitutional procedure of the Committee to do so. The protest seems to have been " laid on the table," and bears no signatures.

It should be added that, at the close of this general meeting, the Committee held its own first meeting and elected Mr. Charles Butler as secretary—he declined, with the permission of the Committee, the offer of a salary.

(It would have been an act of truth and justice on the part of Milner to mention this fact along with that of the presentation of the piece of plate.)

The annual Catholic meetings were widely advertised, and gradually became "more and more numerously attended." [1]

Of this Committee Charles Butler says that "a variety of circumstances prevented their making any particular exertions in the cause entrusted to them"; they took, however, one step which was, eventually, the occasion of much unjust criticism.

They had, in fact, a great desire, which was shared by many of the clergy, to see the system of Vicars Apostolic abolished, and something of the ancient hierarchy restored, and they addressed a very respectful letter to each of the Vicars Apostolic, adducing their own reasons for desiring the change, and asking the opinion of each bishop on the question.

As a lay committee they carefully refrained from any discussion of such ecclesiastical advantages as might result from the scheme, and confined themselves to setting forth the reasons which urged them, as trustees for the purely civil rights of Catholics, to regard this measure as desirable.

They stated that the system of Vicars Apostolic gave an appearance of unlimited dependence on the See of Rome which "*by being more extensive and avowed than is usual in other countries that are in perfect unity with that See*" made a bad impression on the English Government. They asked whether it would not be wise to remove such apprehensions, although, actually, they were "founded upon popular prejudices," by constituting the present Vicars Apostolic as ordinaries.

They point out how often prejudice has retarded their cause, and would wish to remove "*even the pretext for popular alarms.*"

[1] *Dawn of the Catholic Revival*, i. 96.

They offer their help "in taking any such measures as may be effectually conducive to this end." They declare that it is not for them to enter on a consideration of the ecclesiastical advantages of such a measure, and leave such considerations to those entitled to judge.

The letter, which may be seen *in toto* in Dr. Ward's work,[1] was dated from Mr. Butler's office, Lincoln's Inn, May 24, 1783, and was signed :

Stourton—Petre—Clifford—Henry C. Englefield —Carn. Haggerston—John Courtenay Throckmorton —Thos. Stapleton—William Fermor—John Townley —Thos. Hornyold.

Butler tells us that, as the Vicars Apostolic were not in agreement on the proposed question, the Committee let it drop.

Dr. Ward tells us that Dr. Thomas Talbot, of the Midland district, was moderately favourable, and Dr. Gibson, of the Northern district, wholly so.

But the point of interest in this place is that such a perfectly respectful and legitimate appeal from spiritual subjects to spiritual rulers ; from the laity (who, after all, bore silently the material burden of the Catholic cause in this country along with their civil disabilities) to their bishops, should have come to be regarded as an act of arrogant interference. Had the Committee passed over the heads of their bishops and used any external pressure to obtain their end, the blame would have been justified. But under the circumstances, and given the character of the appeal, it can only be said, with regard to its imputed character of disrespect and disloyalty, that "an enemy hath done this."

Of this letter Milner wrote, later on :

> The paper in question contains a series of assertions highly derogatory to the spiritual

[1] *Op. cit.* i. 96–8.

government of the Vicars Apostolic, which rest entirely on the authority of those few laymen and on the theological learning of their juridical secretary. These assertions are accompanied with an offer of theirs (the laymen) " to aid and support in taking such measures as may be effectual to constitute them (the VV.A.) with full power of ordinaries ; in order that the frequent recurrence to Rome for dispensations and other ecclesiastical matters, might cease." [1] There is no doubt but the recurrence to Rome each time a new bishop was to be made constituted the first head of our five laymen's projected retrenchment. They may be excused from the intention of schism, by their ignorance of theological matters : but how daringly presumptuous must their scribes and advisers have been !

When Milner wrote these words the actual text of the Letter was not in the hands of the public. Dr. Ward has quoted it, *in toto*, from the Clifton Archives.

Dr. Milner would have had better right to criticise another letter, addressed to the Catholic Body in general by the Committee, before its dissolution. This letter was dated April 10, 1787, and bore the same signatures, *minus* that of Sir Carnaby Haggerston. This letter was, of course, public property ; and Dr. Milner is more accurate and textual in his quotations from it.

After first giving an account of their achieve-

[1] This sentence is a totally inaccurate rendering of the true text, whose character it entirely alters. Milner's quotation would make it appear as though the Committee suggested themselves for the work of the actual reconstruction of the ecclesiastical order. As usual, Milner so changes the order of the sentences and varies the expressions as to make of his version that half lie which is ever " the worst of lies."

ments, which they regard as slender save in the way of preparation for fuller results later on, and of their hopes, which are strong and full, they enter on the great question which they had already submitted to the Vicars Apostolic.

With more energy and outspokenness than would be regarded as correct in our day, and to what Dr. Ward terms "modern ears," though with far less of such characteristics than would have been displayed in such matters in many previous periods of Church history, they set forth their views on the matter.

They complain that :

> They are governed, not by Diocesan Bishops, but by superiors, commissioned from Rome . . . who are appointed by the Court of Rome without any election of the clergy or laity—But [say they] we beg leave to observe that the ecclesiastical government by VV.A. is by no means essential to our religion, and that it is not only contrary to the primitive practice of the Church but is in direct opposition to the "Statutes of Praemunire and Provisors" enacted in times when the Catholic was the established religion of this country ; and when you reflect that it is the duty of Christians to make the discipline of their Church to conform as near as may be to the laws of their country, your committee doubt not but you will concur with them in thinking that it is incumbent on us to use our endeavours to procure the nomination of Bishops in ordinary. Your committee think it would be useless to point out the advantages which would result from having pastors thus chosen by the flock they are to teach and direct, and in conjunction with which they would be competent to regulate every part of our national Church discipline.

They go on to express the hope that the Catholic Body will concur with them :

> in thinking it necessary to appoint a certain number of your body, who may be entrusted to co-operate with your clergy, in taking the most effectual means to free them and us from our present defective system, etc.

This is certainly, as Dr. Ward remarks, not the *modern* view of Church government, nor the *modern* way of transacting its affairs, though Throckmorton endeavoured to prove that it was the *old* way.

And, in any case, is an effort on the part of the faithful to alter some point of ecclesiastical procedure, to obtain some constitutional change such as is either not contrary to the character of the Church or, even, as this one, eminently in accordance with it, more contrary to the spiritual rights of the Church than such concessions as are imposed by a Concordat ? Can it be said that the faithful had no right to interest themselves in the choice of their bishops when, a little later, all the ancient sees of France were suppressed and new ones formed in deference to the will of Napoleon ? Are the faithful children of the Church the only ones who are to have neither voice nor hearing in the management of her concerns ?

Dr. Ward says[1] that " in appealing to the anti-papal statutes of Praemunire and Provisors they fairly laid themselves open to a charge of Erastianism " ; yet those statutes had obtained in the days when England was Catholic, and they were surely not so *Erastian* in character as the articles of the Napoleonic Concordat.

We may probably trace the influence of Mr. John Throckmorton in the passages of the address which raise the point of the election of bishops by clergy

[1] *Op. cit.* i. 110.

and laity. Later on he puts his views in the form of a "Letter to the Catholic Clergy of England" on the right of the clergy and laity to choose their bishops. This letter better justifies the charge of Erastianism than did the address, for it does manifest the desire to establish the Church on a national basis and remove all dependence on a foreign prelate. Its effect was far from happy in regard to the question then in dispute as to the election of Dr. Charles Berington to the London district, of which we shall see more later on.

So much in regard to this particular point of the address.

A second practical measure, therein proposed, was in regard to the provision of a Catholic school.

> At present [they wrote] there is no School in this country except for very young boys, who are placed there for a short time, previous to being sent to some place of education on the continent; by which means all those who are destined by their parents for business, who are a considerable number, are deprived of a proper education . . . They therefore beg leave to propose to you the settling of a school which shall afford a system of education proper for those who are destined for civil or commercial life, not to interfere with the education abroad, unless by rising, as circumstances will permit, from its infant state to that degree of eminence, as shall in future times become adequate to all purposes, and more advantageous to religion and to the body of Catholics, than the present Foreign School establishments.

That this second suggestion should have met with such opposition as was raised to it seems truly astonishing to "modern" minds. Had it been a proposal for Catholics to make use of Protestant schools it could not have roused more animus than

it did in the minds of some. Dr. Walmesley disapproved; the Rev. Thomas Eyre wrote vigorously against it.

> I hate the very idea of it . . . I can never approve of a scheme which would prevent a great number of our young people from ever acquiring a practical conviction of the universality . . . and prevalence of our religion over the several new-fangled . . . sections which under the general name of Protestants (a glove which fits every hand from the claws of Lucifer to the rat . . .) are spreading desolation,[1] etc.

Sir John Lawson, of Brough Hall, Yorkshire, voiced the objections of the Catholics of the North to the scheme.

Dr. James Talbot, as usual, regarded the matter purely from the religious standpoint, and asked:

> that while you improve, perhaps, ye other parts of education, ye religious part be not forgot, as too often happens when ye laity alone sets about ye work.[2]

Dr. Thomas Talbot, also, criticised the scheme, though he was willing to reconsider his objections if they could be satisfactorily answered. Like all true pastors, he dreaded possible danger to his flock; such diminution of the Catholic spirit as might result from a more secular teaching than Catholics had hitherto received.

Unconsciously, both sides to this dispute were dealing with the great problem of the sovereignty of religion over all other interests—of the danger accruing to faith and morals from the admission of new knowledge and customs. It is easy to solve such a problem on the safe side for a time—but for how long a time?

[1] See *Dawn of the Catholic Revival*, i. 117–18. [2] *Op. cit.* i. 118.

Of course, it must also be noted that conservatism and sentiment were for something in the attachment to the schools abroad, and it would, indeed, have been base ingratitude to regard them with anything but love and reverence. That reproach cannot, however, be addressed to the Committee of which the secretary owed his education to Douai.

But, at long last, did the founding of such schools as Oscott, and, later on, Stonyhurst and others, prove of evil or good influence on the Catholic faith in England ?

CHAPTER XI

The Committee of 1787

The Committee of 1782 was succeeded by that of 1787, and Charles Butler gives us the following account of its formation [1]:

> At a general meeting of the English Catholics on the 3rd of May, 1787, the following resolutions passed unanimously:
>
> "That some kind of appointment of persons take place, commissioned to watch over and promote the public interests of the English Roman-catholics:
>
> "That the committee, now to be elected, be under the same rules and regulations as the late committee:
>
> "That the committee do consist of ten:
>
> "That the meeting, this day assembled, do elect five to form part of the said committee:
>
> "That letters be sent as generally as possible to the gentlemen of the four districts, and of Lancashire and Cheshire, to recommend the electing of one gentleman from each,[2] and that ten so chosen shall form a committee:
>
> "And that there be a general annual meeting as heretofore, on the first Thursday in May."
>
> The meeting then proceeded to ballot: and, on the ballot, the numbers were in favour of Lord

[1] *Memoirs of the English Catholics*, Charles Butler, iv. 4 ff.

[2] *I.e.* one from each district; and one from the two counties mentioned in the resolution.

Petre, Lord Stourton, Mr. Throckmorton, afterwards Sir John Throckmorton, Sir Henry Charles Englefield, and Mr. Fermor.

Mr. Charles Butler was appointed Secretary to the Committee.

At a meeting, on the 14th of January, 1788, of the members thus chosen, the Secretary reported that, in consequence of the resolution entered into at the last general meeting, he had written to the gentlemen of each district, to recommend the electing of one gentleman from each, to be of the committee, and that it appears, by their letters, that the majority was in favour of,

Lord Clifford,—for the Western district:
Sir John Lawson,—for the Northern district:
Sir William Jerningham,—for the Midland district:
Thomas Hornyold, Esq.,—for the London district: and
John Townley, Esq.,—for the Lancashire and Cheshire districts.

By a resolution of a general meeting of the English Catholics on the 15th May, 1788, the three following gentlemen were added to the committee:

Dr. James Talbot, the Vicar-apostolic of the London district: Dr. Charles Berington, the coadjutor of the Vicar-apostolic of the Midland district: and the Rev. Mr. Joseph Wilks, a monk of the Order of St. Benedict.

Dr. Ward observes that such an election "in itself contributed to compromise Bishop Talbot's position, for to accept an appointment in this manner was a tacit acknowledgment that the laymen were able, by their vote, to give some fresh authority to their bishop." [1]

[1] *Op. cit.* i. 122.

Dr. Ward is, surely, over-sensitive in this respect. To elect a bishop on to the Committee was not to add an ounce to his spiritual dignity and authority; it was simply to recognise that he had rights as a layman as well as an ecclesiastic, to admit the value of his special experience, and to give him place and opportunity to advise the Committee on any questions with which ecclesiastical authority might eventually be concerned.

Dr. Ward seems, in this place, to be influenced by Dr. Milner's objection to the election of the clergy by the laity; they should, he thought, have been appointed by their own body.

But this is to ignore the very character and constitution of the Catholic Committee, which was essentially lay in character and democratic in constitution, and the fact of its professing the Catholic religion would not have obliged it to act differently from any other body of the kind.

A minister of the Catholic religion, even a bishop, does not feel his ecclesiastical authority lessened by his election to a legislative chamber, or to any learned body, such as the French Academy.

Some of my readers may be acquainted with the once important Society, named the "Congrégation du Saint Sacrement," instituted in France during the eighteenth century, and profanely termed the "Cabale des Dévots." To this Society such men as St. Vincent of Paul belonged—to it are to be ascribed many of the noblest works of charity of that day. Yet it was wholly lay in constitution, though numbers of bishops and priests were to be counted amongst its members. Ecclesiastics worked in and with it, even under it, and were not specially distinguished from other members.

The Committee of 1787 was elected by the general body of English Catholics, and to have invited the clergy to sit on it on other terms than

those on which lay members were admitted would have been to pervert the whole character of its constitution and falsify the general mandate. The desire to include members of the clergy was proof of the desire to listen to what they might have to say on questions of religious import, and to vote them on to their body was no more detrimental to their authority than to vote them a material stipend.

The Committee got to work at once on its chief task, that of seeking relief from the still oppressive Penal Laws.

Mr. Fermor was the member of the Committee who had personal acquaintance with Mr. Pitt, and he was, therefore, deputed by the Committee to wait on him and open negotiations.

Pitt does not seem, either then or later on, to have been regarded with confidence or enthusiasm by the Committee.

Thus in 1790 Lord Petre wrote about him as follows to Sir John Throckmorton :

> I have sent you enclosed a curious paper from . . . in which you will perceive that Mr. Pitt has been tampering with Cardinal Buoncampagni to put an end, if possible, to our application to Government. Should this intrigue, on enquiry, prove to be true, I shall be confirmed in my opinion of Mr. Pitt's duplicity and insincerity. (Thorndon, August 1, 1790.)

Such suspicions were probably sound in so far as the whole question was probably regarded by Pitt not chiefly from the standpoint of ethics and justice, but from that of expediency. What was most advantageous to England in this hour of danger ? Was it best to conciliate Ireland ? to please the Catholic body in England—but a small crowd after all ? or was it safer to defer to Protestant prejudice, and keep the English majority united,

even though a small section of the community laboured under a modicum of injustice? However this may be, the Catholic Committee succeeded, through the efforts of Mr. Fermor, in obtaining an audience of Mr. Pitt, which was duly reported to the Committee, at a meeting of which Charles Butler gives the following account:

At a meeting of the Catholic Committee on the 9th of May, 1788,

Present:

Lord Stourton,	Mr. Throckmorton,
Lord Petre,	Mr. Fermor,
Sir H. C. Englefield,	Mr. Hornyold,
Sir W. Jerningham,	Mr. John Townley.

Lord Petre, Sir Henry Charles Englefield, and Mr. Fermor, informed the Committee that they had, that morning, had a conference with Mr. Pitt, and read the following minute of what was said by him:

"That Government will make no objection to the business relating to the relief of the English Roman-catholics being brought before Parliament early next session:

"But," he observed, "if moved this session, it will be impossible to carry the measure to a conclusion; and, of course, it must lie over to next year:

"This," Mr. Pitt is of opinion, "will not be a favourable circumstance to the Catholic cause, as it will prevent Government from preparing the minds of some of the leading interests in this country, previous to the bringing on of a measure of such importance:

"He also desired the Catholics to furnish him with authentic evidence of the opinion of the Catholic clergy and Catholic universities with

respect to the existence or extent of the Pope's dispensing power :

" That, though the relief prayed for appeared simple and clear, yet many parts of it involved great and weighty considerations for Government to determine upon " :

He observed, " that whatever was conceded to the Roman-Catholics, the Protestant dissenters must also enjoy " :

He concluded by saying, " that though Government strongly wished that the subject might not be moved this session, yet it was left to the Catholics to consider whether they should run the risk of the consequences attending its lying over to next year " :

Mr. Pitt repeated several times, " he hoped the Roman-catholics would be assured, the present adjournment of their business to next session did not arise merely from motives of delay, but that Government seriously intended to consider their situation, and wished to grant them that relief, which, in prudence, they could adopt."

Lord Petre, Sir Henry Charles Englefield, and Mr. Fermor, having communicated to the Committee this account of their interview with Mr. Pitt, the Committee addressed a letter to him, in which they thanked him " for the obliging and candid manner in which he had received the deputation from them, and assured him that they would lose no time in procuring the information he wished to have respecting the opinion of Catholics on the Pope's dispensing power : and in the meantime sent to him the publication entitled ' ROMAN CATHOLIC PRINCIPLES IN REFERENCE TO GOD AND THE KING.' " To give this document the greater authenticity, the honourable James Talbot, then vicar-apostolic of the London district of the English Roman-catholics, was

pleased, at the request of the members of the Committee present at the meeting, to sign the first page of it with his name.

In pursuance of Mr. Pitt's suggestions, three questions were sent to the universities of Sorbonne, Louvaine, Douay, Alcala, and Salamanca. They were expressed in the following terms, and received the following answers [1] :

" 1. Has the Pope or Cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England ?

" 2. Can the Pope or Cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense His Majesty's subjects from their oath of allegiance, upon any pretext whatsoever ?

" 3. Is there any principle, in the tenets of the Catholic faith, by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction either of a public or a private nature ? "

The Universities answered unanimously :

" 1. That the pope or cardinals, or any body of men, or any individual of the Church of Rome, *has not nor have* any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England.

" 2. That the pope or cardinals, or any body of men, or any individual of the Church of Rome, *can not* absolve or dispense His Majesty's subjects from their oath of allegiance, upon any pretext whatsoever.

" 3. That there is *no principle* in the tenets of the Catholic faith, by which Catholics are justified in not keeping faith with heretics, or

[1] For fuller account see previous chapter.

other persons differing from them in religious opinions, in any transactions either of a public or a private nature."

The opinions of the Universities of the Sorbonne, Louvaine, and Douay, were first received; and were transmitted to Mr. Pitt with the following letter:

"Sir,—The Committee of the English Catholics have the honour to lay before you the opinions of the Universities of Sorbonne, Louvaine, and Douay, which had been transmitted to us in consequence of your desire.

"You will, we hope, see from these opinions, that the sentiments of the most famous foreign bodies perfectly coincide with those which we had the honour of stating to you last year, as our firm and sincere tenets.

"At the same time we beg leave to call to your remembrance, that our opinions were fully stated to you previously to the obtaining these of the foreign Universities; and that they were consulted, not as the rule by which we form our ideas of the duties of good subjects, but as a collateral proof to you, that our sentiments are consonant to those of the most enlightened and famous bodies of Catholic Divines on the continent upon these subjects.

"We have the honour to be, etc."

As soon as the other opinions were received the Committee transmitted them also to Mr. Pitt.[1]

Dr. Ward does not give any detailed account of the other document which was presented to Mr. Pitt, and on the first page of which Dr. James Talbot inscribed his name. It is, however, a document of considerable interest, of which Charles Butler gives a careful history. Viscount Stafford appealed to

[1] *Memoirs of the English Catholics*, vol. iv.

the testimony of this work at his trial in 1680 : it went into various editions, of which Butler gives careful notes. It was, by circumstantial evidence, ascribed to Abbot James Corker of the Benedictine Abbey of Lambspring in Germany.

Butler remarks that this work was the subject of many pages

> of cavil, by Bishop Milner, in Appendix A. to his "Supplementary Memoirs of English Catholics." Respect for episcopal authority would, if this had been the only episcopal opinion which had been on it, have induced the writer to withhold from re-printing it in the present edition of his Memoirs: but, when he considered that it was edited six times by Mr. Gother,[1] twelve times by Bishop Coppinger, and once partially by Bishop Hornyold; and that it was explicitly approved by Bishop Walmesley, and solemnly signed by Bishop James Talbot, he thought that these venerable persons were much more likely to speak the voice of the Church than the one discordant voice, however respectable, of Dr. Milner.

This little pamphlet contained a statement of the faith and belief of its author "in the main points of faith and loyalty controverted between Catholics and Protestants as they severally relate to God and the King."

Thus it states Catholic belief in the Divine teaching mission of the Church :

> It became the divine wisdom and goodness to provide some way or means, whereby man might arrive at the knowledge of these mysteries ; means visible and apparent to all ; means proportioned to the capacities of all ; means sure and certain to all.

[1] Author of "A Papist misrepresented and represented," etc., 1684–1686.

This way or means is not the reading of Scripture, interpreted according to the private judgment of each disjunctive person, or nation in particular ; but

It is an attention and submission to the voice of the Catholic or Universal Church, established by Christ for the instruction of all ; spread for that end through all nations, and visibly continued in the succession of pastors and people through all ages. From this Church, guided in truth and secured from error in matters of faith, by the promised assistance of the Holy Ghost, every one may learn the right sense of the Scriptures, and such Christian mysteries and duties as are necessary to salvation.

This Church, thus established, thus spread, thus continued, thus guided, in one uniform faith, and subordination of government, is that which is termed the Roman-catholic Church : the qualities just mentioned, unity, indeficiency, visibility, succession, and universality, being evidently applicable to her.

. . . . .

As an obstinate separation from the unity of the Church, in known matters of faith, is heresy ; so a wilful separation from the visible unity of the same Church, in matters of subordination and government, is schism.

Follows an exposition of Catholic belief in regard to the declaring and defining of matters of faith ; and then comes the question of the temporal and the deposing power of the Pope :

If a general council, much less a papal consistory, should presume to depose a King, and to absolve his subjects from their allegiance, no catholic could be bound to submit to such a decree. —Hence also it follows, that,

The subjects of the King of England lawfully may, without the least breach of any catholic principle, renounce, upon oath, the teaching or practising the doctrine of deposing Kings excommunicated for heresy, by any authority whatsoever, as repugnant to the fundamental laws of the nation, as injurious to sovereign power, as destructive to peace and government, and consequently in His Majesty's subjects as impious and damnable.

Catholics believe that the Bishop of Rome, successor of St. Peter, is the head of the whole Catholic Church; in which sense, this Church may therefore fitly be styled Roman-catholic, being an universal body, united under one visible head,—Nevertheless

It is no matter of faith to believe that the Pope is in himself infallible, separated from the Church, even in expounding the faith; by consequence, papal definitions or decrees, in whatever form pronounced, taken exclusively from a general council, or universal acceptance of the Church, oblige none, under pain of heresy, to an interior assent.

Nor do Catholics, as Catholics, believe that the Pope has any direct or indirect authority over the temporal power and jurisdiction of princes. Hence, if the Pope should pretend to absolve or dispense His Majesty's subjects from their allegiance, on account of heresy or schism, such dispensation would be vain and null; and all Catholic subjects, notwithstanding such dispensation or absolution, would be still bound in conscience to defend their King and country, at the hazard of their lives and fortunes, (as far as Protestants would be bound,) even against the Pope himself, in case he should invade the nation.

As for the problematical disputes, or errors of particular divines, in this or any other matter

whatsoever, we are no wise responsible for them ; nor are Catholics, as Catholics, justly punishable on their account. But,

As for the King-killing doctrine, or murder of princes excommunicated for heresy, it is universally admitted in the Catholic Church, and expressly so declared by the Council of Constance, that such doctrine is impious and execrable, being contrary to the known laws of God and nature. . . .

It is a fundamental truth in our religion, that no power on earth can license men to lie, to forswear, or perjure themselves, to massacre their neighbours, or destroy their native country, on pretence of promoting the Catholic cause or religion : furthermore, all pardons or dispensations granted, or pretended to be granted, in order to any such ends or designs, could have no other validity or effect, than to add sacrilege and blasphemy to the above-mentioned crimes.

The doctrine of equivocation or mental reservation, however wrongfully imputed to the Church, was never taught, or approved by her, as any part of her belief : on the contrary, simplicity and godly sincerity are constantly inculcated by her as truly Christian virtues, necessary to the conservation of justice, truth, and common security.

The rest of the pamphlet contains an exposition of Catholic doctrine regarding the Seven Sacraments, Transubstantiation, the invocation of saints, etc.

That a document of this kind, so much more theological than political in character, should have been submitted to a Prime Minister, casts a curious light on the state of mind of the day ; on the prejudices and fears of the English public.

There are, in the Throckmorton Archives at Coughton Court, some letters that passed between Mr. John Throckmorton and Dr. James Talbot on

the subject of this pamphlet. As Dr. Ward also tells us,[1] the former wrote to all the VV.A. on the subject, and his idea was to have it set forth as an official declaration of Catholic belief. Dr. Talbot was averse to such declarations, and objected, in general, to the demand that bishops should be forced to make doctrinal subscriptions at the demand of laymen or civil authorities. In this he was, as Dr. Ward tells us, at one with the other bishops; they did not question the orthodoxy of the statement, but they very naturally objected to being asked to sign it.

There is, in most healthy and independent minds, an instinctive repugnance to the signing of documents to order, whether such signature be demanded by civil or ecclesiastical authority. And in this case there was something gratuitous in the demand, as presented by a layman.

But signatures and oaths were in the order of the day at that time, and were to be the subject of much controversy in the immediate future.

[1] *Dawn of the Catholic Revival*, i. 132. Dr. Ward quotes, here, from the " Kirk Papers " at Oscott.

CHAPTER XII

The Protestation

The next measure adopted by the Committee, in the pursuance of its mandate from the Catholics of England, was the preparation of a Bill of Relief to be submitted to the Legislature. For this purpose they possessed a valuable asset in the person of their secretary, Charles Butler, who was eminently capable of such a work. He himself gives us the following first-hand account of procedure.

> At a meeting of the catholic committee at Mr. Butler's chambers, in Lincoln's-Inn, on the 19th of April, 1788, at which lord Stourton, lord Petre, lord Clifford, sir Henry Englefield, sir William Jerningham, Mr. Throckmorton, Mr. Towneley, and Mr. Hornyold, were present, it was resolved,
>
> "That Mr. Butler should prepare the draft of a bill for the repeal of the laws against the English catholics."
>
> The draft of such a bill was accordingly prepared by him.
>
> With the approbation of the committee, it was afterwards laid before Mr. Hargrave,[1] and professionally approved by him.

[1] Francis Hargrave, born 1741, died 1821. Parliamentary Lawyer. Famous for pleading in Habeas Corpus Act for the negro James Somersett. It was said of Hargrave that "no man ever lived who was more conversant with the law of the country."

It consisted of several distinct clauses,—repealing all the laws which placed the English catholics in a worse situation than the protestant dissenters; so that, if it had passed in this form, the English catholics would, in respect to all civil rights, have been on a complete level with the protestant dissenters.

It contained no oath, or declaration of any kind, except that, in some instances, the benefits which it conferred, were extended to those only who had taken, or who should take, the oath contained in the act passed in 1778, for the relief of the catholics.[1]

At the time Lord Stanhope was charged with a Bill for the relief of Nonconformists in general, which Bill would have included Roman Catholics in its provisions. But here a special difficulty arose, of which Butler gives the following account:

As there was a prejudice against the catholics, which did not exist, at least in the same degree, against any other dissenters, his lordship thought that, in their regard, it would be advisable to use a method of recommendation to the public, which the others did not appear to him to want.

This was,—that the roman-catholics should solemnly disclaim some of the tenets falsely imputed to them.

For this reason, with long consideration, and after perusing the works of some of the best catholic writers, and conferring with the ministers of other churches, and some of the leading men of all other parties—but without the slightest communication with any roman-catholic,[2]—his lord-

[1] *Memoirs of the English Catholics*, vol. iv.

[2] "This was most explicitly declared at the time, both by lord Stanhope and the members of the committee,—and then never contradicted: the contrary has since been asserted, but without the slightest proof." (Butler's note.)

ship framed the protestation : transmitted it to lord Petre, and recommended that it should be generally signed. On the receipt of it, lord Petre instantly forwarded it to the secretary of the committee, with directions to send copies of it immediately to the four vicars-apostolic.

Such was the origin of the Protestation.[1]

And such was also the origin of a long and painful controversy.

It was on December 17, 1788, that Lord Petre read to the Committee two letters from Lord Stanhope regarding the proposed Declaration, but the text of the same had already been submitted to the Vicars-Apostolic.

Dr. Ward [2] gives ample original testimony of the objections raised against this document from the very first by Dr. Walmesley, Dr. Matthew Gibson and Dr. Thomas Talbot. They objected to certain articles in it ; they also objected, still more strongly, to being asked for any such Declaration at all. They maintained that the Oath of 1778 was quite adequate to any requirements of the Legislature, and that it was not fair to demand further assurances.

They were quite right. The imposition of formulas and declarations, whether by civil or ecclesiastical authority, is almost always tyrannical and distressing, and is even insulting to those whose conduct has in no way justified the imposition. If the lives of Catholics did not sufficiently prove their loyalty, their assertions would not do so, and it is obviously offensive to be asked for assurances on matters of behaviour when no fault has been committed.

Especially can we understand such resentment

[1] *Op. cit.* vol. iv.

[2] On all this question see *Dawn of the Catholic Revival*, vol. i. chap. vii.

on the part of bishops and clergy, who regard themselves as the custodians of religious truth, and as better fitted to ask professions of faith of others than themselves to make them, and who also feel that it is not for the civil power to prescribe such.

And to us, in our time, it seems almost incredible that a Prime Minister or any other member of the Government should set himself to the composition of a semi-theological declaration. It shows us, however, that the fear of Rome was genuine, and that our Protestant fellow-citizens at that day did really question the possibility, for a Catholic, of combining perfect loyalty to his King with obedience to his supreme ecclesiastical superior; they also firmly believed that, in case of a clash between these two authorities, it was the spiritual authority which would prevail, by reason of its power over conscience. And, foolish as such notions may now appear, we must remember that there had been both writings and events in the, then, not so recent past that excused something of the prevailing suspiciousness.

Anyhow the Catholic Committee was, rightly or wrongly, convinced that the acceptance of this Protestation was an unavoidable step to the achievement of their end, and they set themselves, with all their might, to win the consent of the bishops and clergy.

Had the decision rested with the latter alone, it is probable that a considerable body might have preferred to accept the *status quo* rather than submit to this fresh imposition. The result might possibly have been as satisfactory in the end; but also it might have been very much less satisfactory. The limits of endurance had, in some cases, been reached; there had been a few defections on the part of important men; and although there would have been a good deal less excuse for Catholics of that day to sacrifice conscience to worldly considerations than

there would have been in previous centuries, yet there might have been some falling away had the laity come to feel that ecclesiastical prejudice was, in part, the cause of their civil deprivations.

So far as one can gain a living portrait of the subject of this memoir, he himself would never have been among the delinquents. He would have fought on both sides—against civil tyranny on the one side, against ecclesiastical oppression on the other, but he would have yielded neither his rights as a citizen nor his duties and privileges as a Catholic.

Milner endeavoured, later, according to his usual policy, to cast doubts on the veracity of Charles Butler's account; and suggests that the character of the document was far too theological to be ascribed to an English statesman.

Dr. Ward maintains that the question of authorship is unimportant, and sees no reason whatever for doubting the good word of Butler and others. Of course we all know that documents drawn up by statesmen are often, in great part, the work of other hands; but, like the utterances of kings and popes, they express the will of the ruler, the official requirements of the hour.

I do not, however, quite see why Dr. Ward, after quoting verbatim the above passages from Butler, accuses him of "being hardly straightforward" in adding no comment as to Mr. Throckmorton's action two years previously; when he endeavoured to induce the VV.A. to accept and sign the pamphlet "Principles of English Catholics," etc., as a statement of their faith.

He gave the text of that same pamphlet in his Memoirs, and there seemed no reason for further reference to it in this place.

Anyhow, none of the dust, raised by Milner in later days, can obscure the fact that the Committee, through its chairman, Lord Petre, and its secretary,

Charles Butler, submitted the document to the ecclesiastical authorities before they did anything else with it. They were prepared to accept any objections based on its doctrinal or theological inaccuracy, and alterations were actually introduced to meet such objections.

Thus Charles Butler gives us the following account of the meeting of the Committee on December 17 and 18, 1788.

Present :

Lord Petre	Mr. Towneley
Sir H. C. Englefield	Mr. Berington
Mr. Throckmorton	Mr. Wilks

A letter from Mr. Walmesley on the subject of the protestation was read.

Mr. Berington [1] acquainted the committee with the sentiments of Mr. Thomas Talbot upon it.

The secretary acquainted the committee with the sentiments of Mr. James Talbot upon it.

In consequence of which, some alterations were made in it ; and, with these alterations, it was approved of.

It was resolved that, with these alterations, " it should be immediately transmitted to the vicars-apostolic, accompanied by a letter to them from the secretary, requesting their sentiments upon it."

At a meeting of the committee on the 18th of the same month, at which lord Petre, Mr. Throckmorton, Mr. Berington, and Mr. Wilks, were present, it was resolved, that " as soon as the protestation was approved of by the vicars-apostolic, the secretary should take such measures as he should think advisable, to procure the general signatures of the catholics to it."

[1] Let it be noted that " Mr. Berington " here named was Dr. Charles Berington, coadjutor of Dr. Thomas Talbot.

Mr. Mitford was requested to undertake the moving, and Mr. Windham the seconding of the bill in the house of commons.

Both agreed to comply with the request.

In pursuance of the resolutions of the committee, the secretary transmitted copies of the protestation to the four vicars-apostolic,—Dr. James Talbot, Dr. Thomas Talbot, Dr. Walmesley, and Dr. Matthew Gibson.[1]

And another equally important fact, which later controversy cannot obscure, is that the Protestation was signed by all four Vicars Apostolic, by 1500 Catholics, of whom 240 were priests, and even, astonishing as it may sound, by John Milner himself. Dr. Gibson's name was eventually withdrawn, but it had, nevertheless, been affixed.

The Protestation was circulated for signature with the following covering letter from Charles Butler. The autograph of the same may be seen in the British Museum :

I have to inform you that the Protestation of which I send you a copy, was laid before a General Meeting of the Catholics, held at the Crown and Anchor Tavern on Friday the 20th of March last, and signed by every person there present. It has also been signed by many others, particularly the Vicars Apostolic of the London, Midland and Western Districts ; by Bishop Sharrock and Bishop Berington—and by all the Catholic Clergy in London and its neighbourhood—and it has been sent to the North to be signed by the Catholics there.

The Committee, anxious to procure the signature of the Catholics to it, have directed me to circulate it for that purpose. I therefore take the liberty to address this to you. You receive

[1] See *Memoirs of the English Catholics.*

with this a Printed Copy of the Protestation (which has been attentively compared with the original now in my custody) and with it a skin of parchment ; upon which you, and those whose signatures you procure, are requested to write your names.

It is wished that the English Catholics, who approve of the Protestation, should sign their names to it. It will therefore be esteemed a favour if you show the Protestation to every Gentleman, reputable Farmer or Tradesman, of that persuasion in your Neighbourhood, and procure their signatures to it upon the Parchment ; and when this is done, you will have the goodness to transmit the Parchment to me,—and I will take care that it is annexed to the original. If the doing of this be attended with any expence, I beg you will inform me of it, and I will instantly repay it to you.

It is earnestly recommended that the signatures may be procured with as much expedition as possible ; that the Protestation may not be shown to any but those whose signatures are wished to be had to it ; and that the signing of it may be done with as much secrecy and privacy as possible.

I am, Sir, with great respect
Your most obedient humble servant
CHARLES BUTLER.

(First printed copy)

The following is the text of this famous document :

We, whose names are hereunto subscribed, catholics of England, do freely, voluntarily and of our own accord, make the following solemn declaration and protestation.

" Whereas sentiments unfavourable to us, as citizens and subjects, have been entertained by

English protestants, on account of principles which are asserted to be maintained by us, and other catholics, and which principles are dangerous to society, and totally repugnant to political and civil liberty: it is a duty that we, the English catholics, owe to our country, as well as to ourselves, to protest in a formal and solemn manner, against doctrines that we condemn, and that constitute no part whatever of our principles, religion or belief.

We are the more anxious to free ourselves from such imputations, because divers protestants, who profess themselves to be real friends to liberty of conscience, have nevertheless avowed themselves hostile to us, on account of certain opinions which we are supposed to hold. And we do not blame those protestants for their hostility, if it proceeds (as we hope it does) not from an intolerant spirit in matters of religion, but from their being misinformed as to matters of fact.

If it were true that we, the English catholics, had adopted the maxims that are erroneously imputed to us, we acknowledge that we should merit the reproach of being dangerous enemies to the state: but, we detest those unchristian-like and execrable maxims: and we severally claim, in common with men of all other religions, as a matter of natural justice, that we, the English catholics, ought not to suffer for, or on account of, any wicked or erroneous doctrines that may be held by any other catholics, which doctrines we publicly disclaim, any more than British protestants ought to be rendered responsible for any dangerous doctrines that may be held by any other protestants, which doctrines they, the British protestants, disavow.

First. We have been accused of holding, as a

principle of our religion, that princes excommunicated by the pope and council, or by authority of the see of Rome, may be deposed or murdered by their subjects or other persons.

But so far is the above-mentioned unchristian-like and abominable position from being a principle that we hold, that we reject, abhor, and detest it, and every part of it, as execrable and impious : and we do solemnly declare that neither the pope, either with or without a general council, nor any prelate, nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatever, can absolve the subjects of this realm, or any of them, from their allegiance to his majesty king George the third, who is by authority of parliament, the lawful king of this realm, and of all the dominions thereunto belonging.

2ndly. We have also been accused of holding, as a principle of our religion, that implicit obedience is due from us to the orders and decrees of popes and general councils : and that therefore if the pope, or any general council, should, for the good of the church, command us to take up arms against government or by any means to subvert the laws and liberties of this country, or to exterminate persons of a different persuasion from us, *we* (it is asserted by our accusers) hold ourselves bound to obey such orders or decrees, on pain of eternal fire.

Whereas we positively deny that we owe any such obedience to the pope and general council, or to either of them ; and we believe that no act that is in itself immoral or dishonest can ever be justified by or under colour that it is done either for the good of the church, or in obedience to any ecclesiastical power whatever. We acknowledge no infallibility in the pope ; and we neither apprehend nor believe that our disobedience to

any such orders or decrees (should any such be given or made) could subject us to any punishment whatever. And we hold and insist, that the catholic church has no power that can, directly or indirectly, prejudice the rights of protestants, inasmuch as it is strictly confined to the refusing to them a participation in her sacraments and other religious privileges of her communion, which no church (as we conceive) can be expected to give to those out of her pale, and which no person out of her pale will, we suppose, ever require.

And we do solemnly declare, that no church, nor any prelate, nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatever, hath, have, or ought to have, any jurisdiction or authority whatsoever within this realm, that can, directly, or indirectly, affect or interfere with the independence, sovereignty, laws, constitution, or government thereof: or the rights, liberties, persons or properties of the people of the said realm, or of any of them, save only and except by the authority of parliament: and that any such assumption of power would be an usurpation.

3rdly. We have likewise been accused of holding, as a principle of our religion, that the pope, by virtue of his spiritual power, can dispense with the obligations of any compact or oath taken or entered into by a catholic: that therefore no oath of allegiance, or other oath, can bind us; and consequently that we can give no security for our allegiance to government.

There can be no doubt but that this conclusion would be just, if the original proposition upon which it is founded were true; but we positively deny that we do hold any such principle. And we do solemnly declare that neither the pope, nor any prelate, nor any priest, nor any assembly of

prelates or priests, nor any ecclesiastical power whatever, can absolve us, or any of us, from, or dispense with, the obligations of any compact or oath whatsoever.

4thly. We have also been accused of holding, as a principle of our religion, that, not only the pope, but even a catholic priest, has power to pardon the sins of catholics at his will and pleasure: and therefore that no catholic can possibly give any security for his allegiance to any government, inasmuch as the pope or a priest can pardon perjury, rebellion and high treason.

We acknowledge also the justness of this conclusion if the proposition upon which it is founded were not totally false. But, we do solemnly declare, that, on the contrary, we believe that no sin whatever can be forgiven at the will of any pope, or of any priest, or of any person whatsoever; but that a sincere sorrow for past sin, a firm resolution to avoid future guilt, and every possible atonement to God, and the injured neighbour, are the previous and indispensable requisites to establish a well-founded expectation of forgiveness.

5thly. And we have also been accused of holding, as a principle of our religion, that no faith is to be kept with heretics; so that no government which is not catholic can have any security from us for our allegiance and peaceable behaviour.

This doctrine, that faith is not to be kept with heretics, we reject, reprobate, and abhor, as being contrary to religion, morality, and common honesty: and we do hold and solemnly declare, that no breach of faith with any person whomsoever, can ever be justified by reason of, or under pretence, that such person is an heretic or an infidel.

> And we further solemnly declare, that we do make this *declaration* and *protestation*, and every part thereof, in the plain and ordinary sense of the words of the same, without any evasion, equivocation, or mental reservation whatsoever.
>
> And we appeal to the justice and candour of our fellow-citizens, whether we, the English catholics, who thus solemnly disclaim, and from our hearts abhor the above-mentioned abominable and unchristian-like principles, ought to be put upon a level with any other men who may hold and profess those principles.

This was the famous document which was to be the source and origin of so much trouble and bitterness: a document bristling with assertions provocative of theological controversy, and yet, doctrinally, such that the bishops did not feel themselves justified in refusing their signature.

First and foremost, we have the explicit denial of papal infallibility: a declaration, however, that would not have been the most troublesome to theologians of the day, at any rate in England.

Next, we have the very definite repudiation of certain "wicked and erroneous doctrines," held by "other Catholics": a statement which might be true and justifiable but of which the form was open to criticism.

We may also note that the whole document has an *untheological* flavour, in so far as every trained theologian has both an instinctive and a reasoned objection to any such definite pronouncements as either cast doubt and suspicion on past ecclesiastical statements, policy and action, or limit and control future theological developments. Theology is to the theologian as sacred a deposit as is law or statecraft to the lawyer and statesman. He is sensitive to the least infringement of his domain; to any

suggestion of external control over its eventual possibilities.

Our laymen were totally impervious to such considerations. They accepted, whole-heartedly, the teaching and tradition of their Church; but they had not the least inclination to worry about theological susceptibilities. If, as they fully believed, and as their clergy believed with them, these doctrines, as imputed to them, were dangerous and untrue, why should they not say so, and even say it with vehemence? The Protestation accorded with the oath of 1778, which had been accepted by the Church in England; hence it was, to their minds, mere quibbling to raise objections against this document.

Then, again, the lay mind is out of sympathy with that of the theologian in another respect, and that is in regard to the repudiation of past teaching. Doctrinal development is sometimes of so marked a character that it is difficult to identify the teaching of the Church on special points with that from which it began. Yet the Church never repudiates what she has once said.

And this is not mere intransigence, but is the effect of a sound instinct, the instinct of solidarity and continuity. In the history of countries we sometimes get instances of the wholesale repudiation of its past; but even in political matters such an attempt is generally punished.

All the same, one might wish that certain ecclesiastical claims, not in any way essential to the spiritual character of the Church, could have been openly abandoned when their evil became patent.

Then, also, there is, perhaps, another instinct at work, far less conscious, yet not less insistent. This is the instinct of relativity; of the fundamental inadequacy of all presentations of spiritual truth, with yet the accompanying conviction that each

succeeding presentation has had its temporary truth and value; its importance for the time and the generation in which it prevailed.

Yet, in addition to such theological objections to a document like the Protestation, we must surely acknowledge less worthy motives, based on ecclesiastical worldliness and ambition.

Thus the Protestation was launched, and the members of the Committee were practical men, ready to press any advantage that lay to hand. The legal mind and knowledge of Charles Butler; the practical sense and strong will of Lord Petre; the ardour and impetuosity of Mr. John Throckmorton were all enlisted in the cause.

The document had been submitted to the Vicars Apostolic, as custodians of religious faith. If they could pronounce any of its clauses to be heretical or objectionable in that regard, their word was to be respected—as, in fact, it was, when they made certain objections. But here their authority ended, and once having satisfied legitimate objections the Committee held that they had a right to sign the document themselves, and to persuade the clergy to do so.

Bishop James Talbot, of the London district, was first in signing, and was also active in inducing the rest of the clergy to do so.

And thus the Protestation was accepted by what we may describe as the body of English Catholics, and, once so accepted, our laymen regarded it as a definite pledge, which they were bound in honour to respect. Thus Lord Petre wrote, a little later, on the subject:

To Mr. John Throckmorton:

In answer to Mr. Butler I told him one thing I had made my mind to, which was, that if my life depended upon the event no consideration

should ever induce me to consent to an Oath which did not come up to the principles contained in the Protest; my honour, character, and declarations in public and private, had pledged me to them in such a manner as to put it (without further consideration) out of my power to adopt any alteration that could in the least weaken that solemn act.[1]

Yet the subsequent history of the Protestation will make us realise the evil of over persuasion, of obtaining reluctant adhesion. The bishops would have done better to refuse at first, than to endeavour, later on, to evade the consequences of their first action. And they would have done better, at last, to have adhered to their first pronouncement, and not have confounded the laity by what seemed like equivocation. But perhaps the evil might have been avoided by less precipitation on the part of the Committee; less insistence on their own point of view.

[1] Coughton Court Archives.

CHAPTER XIII

The New Bill and its Fate—A Summary

I will ask my readers, once more, to remember what I have said, viz. that this is not a history of Catholic Emancipation, but a memoir of one who played a part in the great Cause, and whose personality is chiefly revealed in the lay history of the movement. It is to Dr. Ward's history that I would refer those who desire fuller knowledge on the subject : a work which should, by now, have superseded that of Father Wm. Amherst, who had not the same access to original documents, and who was almost entirely dominated by Milner's highly coloured, and sometimes perverted, presentation of facts. I have consulted original documents wherever accessible, but in other cases have not hesitated to accept, in full faith, Dr. Ward's testimony to facts of which he was able to obtain direct cognizance.

It is my part to mark only those salient points which are necessary to the understanding of the course of action of the Catholic Committee. That Committee was representative of most of the old Catholic families, and hence of men and women who had long suffered for their faith ; who were still, actually, suffering for it ; who could, at the time with which we deal, have obtained instant relief from all their grievances by the concession of certain points of their faith ; who remained staunch even though some of their companions lapsed ; who never departed from their allegiance to ecclesiastical

superiors even if they stood up to them on points which they regarded as not strictly pertaining to religion, or not included in its just claims ; and who were, to the last, as stubborn in their loyalty to conscience as to King and country.

In what follows we shall find the Catholic Committee enduring a twofold pressure : from the Government on the one side, from a section of their ecclesiastical superiors on the other. From a section, I say, because throughout the painful controversy they ever enjoyed the support of another section of the clergy, and of bishops as impregnable in their orthodoxy as those who opposed them. And it should be noted, in confirmation of this assertion, that after the Committee had finished its work, and long after the subject of this memoir had passed from the world, divisions continued in which the laity played no special part, and in which Dr. Milner, the old antagonist of the Catholic Committee, found a fresh enemy and victim in the person of a fellow bishop, the saintly Dr. Poynter. All this may be profitably studied in Dr. Ward's later volumes, " The Eve of Catholic Emancipation," and " The Sequel of Catholic Emancipation."

We Catholics are not so much given to the revolutionising of history as are non-Catholic historians ; we have a stronger conservative instinct. Yet Dr. Ward has done much to efface the evil caricature of our Catholic ancestors which had been left by Milner and Plowden ; he was much too truthful to support the myth, and he had access to original documents which must have unsealed his eyes on many points. One's only regret is that his respect for the traditional presentation of the story induces him, at times, to pass judgments which seem to me, quite frankly, not in accordance with the facts he sets before us. Not that there was nothing to be said in criticism of the Committee ; but that he

persistently speaks as though it had really been a dispute between loyal and disloyal members of the Church. Had our Catholic laity not cared for their faith more than they cared for anything else, how easy it would have been to end the whole discussion by an act of unqualified conformity !

And it must be ever remembered that whatever their conduct, whatever their faults, the main article of their faith, which stood in the way of their civil rights and privileges, was that of the supremacy of the Pope. It is true that, by the Test and Corporation Acts, they were compelled to a declaration against the Eucharistic doctrine of the Church, but this had no longer any importance in the eyes of the State. Pitt and Stanhope never asked for any qualifying declarations on this purely theological question ; it could probably have been waived with very little difficulty. The fact that it continued to be required of our monarchs on their accession to the Throne was simply because it was regarded as a safe test of their Protestant orthodoxy. But on the question of Papal Supremacy the Government had its misgivings and doubts, and it was on this point that proofs were asked and declarations demanded. It is, therefore, profoundly unjust to discuss these events without laying stress on the fact that our Catholic ancestors were negotiating terms that could be accepted without disloyalty to the Holy See, and with full acknowledgment of its spiritual supremacy.

We will now proceed to a short summary of the facts—a summary which will be based on direct reference to the documents in connection with it. Charles Butler was a hurried historian, who lived history more fully than he wrote it. Hence his construction is often somewhat casual and discursive, but he had a lawyer's regard for documents, and took care to put most of them where they could not be

lost and could always be seen, namely in the British Museum Library.

The chief events that followed the signing of the Protestation were as follows :

1. Charles Butler had, as we have seen, drafted a Bill of Relief, which he had submitted to Mr. Francis Hargrave, a distinguished Parliamentary lawyer. This was, in the full sense of the word, the Bill of the Catholic Committee. It described the body of persons concerned as " English Catholics," and proposed, as test, the oath of 1778.

Charles Butler secured the services of Mr. John Mitford (later Lord Redesdale) to propose the Bill, which Mr. Windham was to second.

But this Bill was altered, and a new one put in its place. Of this procedure Charles Butler gives us the following account :

> About this time, some leading persons in the country thought that it would be more prudent to effect the object of the bill by a general enactment. In consequence of these suggestions, it was found necessary (but much in opposition to the opinion of the secretary) *to new-model the bill, into another form.*[1]

In this Bill the term of " Protesting Catholic Dissenters " made its appearance : an expression that was to be the source of much ensuing controversy. Under this denomination were to be described, from the point of view of the law, such Catholics as were willing, by fulfilling the conditions of the Bill, to qualify themselves for the relief therein granted—those who did not choose to fulfil those requisitions continued to be classed as *Papists*, and remained liable to the standing penal regulations.

In this Bill was likewise incorporated a new Oath.

[1] *Memoirs of the English Catholics*, vol. iv.

2. Subsequently to the drafting of Charles Butler's Bill, and before the modelling of this new one, the question of a new Oath had been under discussion. Charles Butler mentions the matter as follows :

> Soon after the protestation and its signature by the English catholics became generally known, the proposal of a new oath was made to the committee. Far from promoting, they at first were backward in acceding to the proposal. But it was strongly presented to them, that "new benefits called for new assurances of fidelity"; that "a more ample extension of privileges demanded from them a more ample declaration of their principles"; that "the nation at large expected it" and that "in the opinion of their best friends, they ought to make it." For these reasons, the committee, at length, consented to the measure, as conducive to the end they had in view,—the success of their intended bill in parliament. An oath was accordingly framed, which, in its original form, was an exact transcript of the protestation, and consequently contained nothing more than what the bishops, with the body of English catholics, had already signed and approved.
>
> It was communicated to the ministry ; the two great leaders of administration, in the law and civil department, thought fit to make alterations in it. These alterations were immediately submitted to the inspection of the three ecclesiastical members of the committee. Their voice was unanimous in favour of the admissibility of the alterations.
>
> But, that nothing might seem hastily done in this important matter, bishop James Talbot took the oath, in its altered state, with him into the country ; kept it by him two days, and, at the next meeting of the committee, returned it, with

a verbal declaration that "he saw nothing in it contrary to faith or good morals."

Of this material circumstance, a minute was made and signed by seven members of the committee.

The Minute ran as follows :

At a meeting of the committee, on the 19th of November 1789—

Present :

Lord Petre	Mr. Hornyold
Mr. Throckmorton	the right rev. Mr. C. Berington
Mr. Fermor	Mr. Wilks
Mr. Towneley	

It was moved, that the committee recollects, perfectly well, that the oath, in its present form, was delivered to Mr. James Talbot, kept by him for two days, and by him returned to the committee, with a verbal declaration, that he saw nothing in it contrary to faith or good morals :—

Resolved unanimously.[1]

3. The Condemnation of the proposed Oath by the four Vicars Apostolic. They objected to the Oath, to the term "Protesting Catholic Dissenters," and to certain other clauses of the Bill. They followed up their meeting by an encyclical letter.

On the 21st of October 1789, the four vicars-apostolic, Dr. Walmesley, Dr. James Talbot, Dr. Thomas Talbot, and Dr. Matthew Gibson, signed an encyclical letter, and addressed by them to all the faithful, both clergy and laity, in their four districts, by which they signified that, "having held a meeting on the 19th October 1789, after mature deliberation and previous discussion,

[1] *Op. cit.* vol. iv.

they unanimously condemned the new form of an oath intended for the catholics, published in Woodfall's Register, June 26th, 1789, and declared it unlawful to be taken ; and also declared, that none of the faithful, clergy or laity, under their care, ought to take any new oath, or sign any new declaration in doctrinal matters, or subscribe any new instrument, wherein the interests of religion are concerned, without the previous approbation of their respective bishops."

Very soon after the encyclical letter was signed, the prelates caused a copy of it to be transmitted to the secretary, and he lost no time in sending copies of it to all the members of the committee. He caused it to be represented, through respectable channels, to each of the vicars apostolic, " how greatly it was to be wished, that the proceeding should be suspended till measures of accommodation should have been tried and found ineffectual " ; — and he respectfully suggested that, " in all events, before they separated, it was highly desirable they should agree on such alteration as would remove the objections to the oath."

Dr. Walmesley, however, notified the encyclical letter to the catholics of his district, and after a temporary suspense, Dr. Gibson did the same, in his district. With the two other prelates, the secretary was more successful ; he prevailed on them to suspend the publication of the encyclical letter ; and it was never published either in the London or in the midland districts.[1]

Dr. Walmesley also wrote to Lord Petre, and three other members of the Committee, stating various objections, to the Bill rather than to the Oath, and suggesting the advisability of dropping

[1] *Op. cit.* vol. iv.

" any further pursuit of the measures which have been begun."

4. The reply of the Committee to the Encyclical Letter of the Bishops on November 25, 1789 :

> Conscious [they write] that we never had any other object in view than to procure for the English Catholics who have honoured us with their trust a release from the numberless grievances under which they have so long and so unjustly laboured, we cannot but lament our misfortune in having incurred the disapprobation of them who, from their station in this country, are the natural guardians of the Catholic Religion.

They regret that the condemnation was pronounced without any notice to themselves ; they urge the fact that (1) Dr. James Talbot had sanctioned the Oath, and (2) that it was in accordance with the Protestation which all had signed. They go on to an historical review of the whole question. They answer the suggestion of the bishops that the whole matter should be dropped by asserting how impossible it would be to follow such a course, given their pledges to their fellow-Catholics and the public. They conclude with the plea that their action has been in accordance with their religious principles, and beg of the Bishops not to withdraw their co-operation.

5. The Committee published on the same date, November 25, 1789, a circular to the Catholics of England, giving an account of their action and an explanation, from their point of view, of the Bill and the new Oath.

6. The two Bishops Talbot persisted in their refusal to publish the Encyclical Letter, or to oppose the action of the Committee.

Bishop Thomas Talbot wrote an important letter

to Dr. Walmesley, which Dr. Ward has published from the Clifton Archives. *Inter alia* he writes, December 14, 1789 :

> The explication that has lately been given, and the declaration from some persons high in power, stagger many people in these parts, and make them think the Oath not so objectionable as it first appeared to be . . . if a schism and division amongst ourselves could be avoided it would be a most desirable thing ; and I have my doubts whether hereafter we shall not be thought to have been over scrupulous and nice,[1] etc.

7. The death of Bishop James Talbot occurred on January 26, 1790. He was ever loved and respected by the Committee, and was their chief ecclesiastical guide.

Dr. Ward, in a chapter devoted to an account of his holy life, writes :

> It has been pointed out that, notwithstanding the holiness of his private life, Dr. Talbot was never qualified either by temperament or by natural gifts to hold a position which involved taking the lead in public action . . . [and that] This he would have been himself the first to admit.[2]

One wonders whether such a man's own diffidence be any mark of his incompetence ; and whether the gentle and holy bishop, to whom charity was the last as it was the first command, was not, in spite of his humility, a better leader in times of religious crisis than men of violent parts who never doubted of

[1] See *Dawn of the Catholic Revival*, i. 184.
[2] *Op. cit.* p. 187.

their own rectitude, and never hesitated to calumniate those who differed from them.

8. A petition from fifty-five Lancashire priests addressed to Dr. Gibson of the Northern district, against the proposed Oath, and dated January 1, 1790.

9. Bishop Walmesley and Bishop Gibson both issued pastorals against the Catholic Committee, the former in 1789, the latter January 15, 1790. Dr. Walmesley declared they were "attempting to injure the cause of religion," while Dr. Gibson spoke of their "infernal stratagems." The Committee made no collective response, but one or two individuals wrote letters of remonstrance.[1]

10. An address from certain members of the Staffordshire clergy to their bishop, Dr. Thomas Talbot, supporting the action of the Committee, and explaining in what manner the Oath seemed to them unobjectionable. They refer with respect to the authority of Bishop Charles Berington, whom "Your Lordship has chosen to be our future superior," and to other well-known and respected members of the Committee. This letter was dated January 25, 1790.

11. An "open meeting" of Catholics at the Crown and Anchor in the Strand. The Oath was discussed. Bishop Walmesley condemned it, but refused to give his reasons, or to state which were the passages in it which met with his disapproval. Bishop Thomas Talbot pointed out certain objectionable passages, and amendments were introduced accordingly. Such amendments had, in point of fact, already been suggested by Charles Butler. The latter gives us the following brief account of the meeting:

> To accommodate the difference, a meeting took place on the 3rd of February 1790, at the Crown

[1] *Dawn of the Catholic Revival*, i. 203.

and Anchor in the Strand. The following members of the committee attended it :

The Right Rev. Dr. Charles Berington
The Rev. Mr. Joseph Wilks
Lord Petre
Sir John Lawson
Sir H. C. Englefield
Mr. Throckmorton
Mr. Fermor
Mr. John Towneley
Mr. Hornyold.

And, by their desire, were also present,

The Right Rev. Dr. Walmesley
The Right Rev. Dr. Sharrock, his coadjutor
The Hon. and Right Rev. Dr. Thomas Talbot
The Rev. Mr. Bernard
The Rev. Dr. Belasyse
The Rev. Dr. Rigby
The Rev. Mr. Hussey, afterwards bishop of Waterford
Lord Arundell
Sir Thomas Fletewood
Sir John Nicholson
Mr. Thomas Stapleton
Mr. William Sheldon
Mr. Francis Witham
Dr. Nickell
Mr. Hearne
Mr. Henry Clifford
The Rev. Mr. Archer
The Rev. Mr. O'Leary
The Rev. Mr. Strickland
The Rev. Mr. Meynell
The Rev. Mr. Adams
The Rev. Mr. Lindo
The Rev. Mr. Brown
The Rev. Mr. Gabb
The Rev. Mr. Gregg
The Rev. Mr. Booth
The Rev. Mr. Willacy
Mr. Thomas Hawkins
Mr. Manby
Mr. Michael Blount
Mr. Thomas Wright
Mr. Francis Eyre
Mr. Gifford
Mr. Crook
Mr. Bostock
Mr. Douglas.

It was moved,

"That the committee shall endeavour to prevail on the legislature to alter the oath to the words of the protestation ; and that, so altered, the oath will be unobjectionable."

It was resolved unanimously, with the exception of Dr. Walmesley's dissent;—and of Dr. Sharrock's declining to give any answer for the present.

In consequence of this resolution, lord Petre waited on Mr. Mitford, and informed him of the wish of the catholics, that the alteration in question should be made in the oath.

Mr. Mitford obligingly promised to use his endeavours to reconcile government to it; but observed, that any alteration was greatly to be avoided, from the tendency of every alteration to obstruct the success of the bill.

The oath was altered accordingly.

12. The Bill was brought forward March 2, 1796, and lost by 204 to 105. Dr. Walmesley rejoiced over this defeat, which he ascribed to his own prayers and those of others.[1]

. . . . .

The history of these events is so involved that I have thought it better, and more helpful both to myself and others, to give the above brief summary, before proceeding to a fuller account and discussion of certain points.

The two main questions in dispute, between the Committee and their political friends on the one side, and the Committee and a good half of their ecclesiastical superiors on the other side, regarded, first, the Oath, and, secondly, the denomination of "Protesting Catholic Dissenters" by which English Catholics were described in the Bill, which had been substituted for the one drawn up by Charles Butler and adopted by the Committee.

Under the second objection is to be classed a further one that sprang from it, and which was

[1] *Dawn of the Catholic Revival*, i. 216 (from Clifton Archives).

directed against the accompanying suggestion that the Catholic world was divided into two sections, of which only one would be entitled to the proposed relief.

The next chapter will deal with the first of these problems, and the ensuing one with the second.

CHAPTER XIV

The Proposed Oath of 1789–1790

Throughout the history of this much discussed Oath we must never lose sight of the fact that it was really the Protestation, even more than the Oath, that was ever in question.

The bishops had signed the former, but some of them with reluctance, and reluctant adherents are not good friends in danger. They were determined, at least, not to confirm their past action by a new one, and though they were not probably of the mind of Milner, when he drew a distinction between an assertion and an oath, and between the evils of deceiving our neighbour, or lying to God,[1] yet they did feel that, to subscribe to the Oath, was to put a last seal to the Protestation.

The laity, on the other hand, having signed the Protestation document were determined to adhere to their signature, and were quite prepared to seal that adherence by oath.

The text of the Oath, as first proposed to the Committee, was as follows :

> I, A. B., do sincerely promise and swear, that I will be faithful, and bear true allegiance to His Majesty (George III).
>
> And I do truly and sincerely acknowledge, profess, testify, and declare, in my conscience,

[1] In " Ecclesiastical Democracy Detected," quoted by Dr. Ward, *op. cit.* i. 171.

before God and the World, that our Sovereign (George III) is lawful and rightful sovereign of this realm, and all other His Majesty's dominions thereunto belonging: and I do solemnly and sincerely declare, that I do believe in my conscience, that not any of the descendants of the person who pretended to be Prince of Wales, during the life of the late King James the Second, and after his decease pretended to be, and took upon himself the style and title of King of England by the name of James the Third, or of Scotland by the name of James the Eighth, or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of this Realm, or any Dominions thereunto belonging; and I renounce, refuse, and abjure, any Allegiance or Obedience to any of them; and I do swear, that I will bear Faith and true Allegiance to His Majesty (George III) and will defend Him to the utmost of my power, against all traiterous conspiracies and attempts whatsoever, which shall be made against His Person, Crown, or Dignity; and I will do my utmost endeavour to disclose and make known to His Majesty (George III) and His Successors all Treasons and traiterous Conspiracies, which I shall know to be against Him, and I do faithfully and fully promise, to the utmost of my power, to support, maintain, and defend the succession of the Crown against the descendants of the said James, and against all other persons whatsoever; which succession by an Act, intituled, An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject, is, and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body being Protestants: And I do swear, that I do, from my heart, abhor detest and abjure, as impious

and heretical, that damnable doctrine and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other persons whomsoever; and I do protest and declare, and do solemnly swear it to be my most firm and sincere opinion, belief, and persuasion that neither the Pope, nor any General Council, nor any Priest, nor any Ecclesiastical Power whatsoever, can absolve the subjects of this Realm, or any of them, from their Allegiance to His said Majesty; and that no foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any civil jurisdiction or Authority whatsoever within this Realm, or any Spiritual Authority, Power, or Jurisdiction whatsoever within this Realm, that can, directly or indirectly, affect or interfere with, the Independence, Sovereignty, Laws or Constitution of this Kingdom or with the Civil or Ecclesiastical Government thereof, as by Law established, or with the Rights, Liberties, Persons, or Properties of the Subjects thereof: And that no person can be absolved from any sin, nor any sin whatever be forgiven at the pleasure of any Pope, or of any Priest, or of any Person whomsoever; And that no breach of faith with, or injury to, or hostility against, any Person whomsoever, can ever be justified, by Reason, or under pretence that such Person is an Heretic or an Infidel; And that neither the Pope, nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, nor any Ecclesiastical Power whatever, can at any time, dispense with, or absolve me from the obligations of this Oath, or of any other Oath, or of any Compact whatsoever; And I do also in my conscience declare and solemnly swear, that I acknowledge no infallibility in the Pope; and

all these things I do plainly and sincerely declare, acknowledge, and swear, according to these express words by me spoken, and according to the plain and ordinary sense of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make the aforesaid Protestation, Declaration, Recognition, Acknowledgment, Abjuration, Renunciation, Promise and Oath, heartily, willingly and truly, upon the true faith of a Christian. So help me God.

1. To take the various points in order, let us first consider the text of this Oath in its relation to the Protestation.

We have already seen that at the meeting at the Crown and Anchor of February 1790, Dr. Thomas Talbot raised objections to a clause which differed from the corresponding one in the Protestation, and that an amendment was accordingly introduced.

The clause in the Protestation ran thus:

That no church, nor any prelate, nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatsoever, hath, have, or ought to have, any jurisdiction or authority whatsoever, within this realm, that can directly or indirectly affect or interfere with the independence, sovereignty, laws, constitution, or government thereof; or the rights, liberties, persons or properties of the people of the said realm, or any of them.

In the Oath it was declared:

that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any civil jurisdiction or authority whatsoever, within this realm —or any spiritual authority, power, or jurisdiction whatsoever, that can directly or indirectly

affect or interfere with the independence, sovereignty, laws or constitution of this kingdom, or with the civil or ecclesiastical government thereof, as by law established, or with the rights, liberties, persons or properties of the subjects thereof.

Charles Butler tells us that :

by the direction of the Committee, a copy of the Oath in its altered form was inserted at length in Woodfall's Register, June 26th, 1789. Two hundred copies of it were separately printed, and one of them was sent by the Secretary of the Committee to the Senior Vicar Apostolic.[1]

A modification was also introduced by the addition of a clause to that regarding absolution, and words were added to bring it into closer accord with the Protestation :

sorrow for past offences, resolution to avoid future guilt, and atonement to God and the injured neighbour are indispensably requisite to obtain forgiveness of sins.[2]

Thus it may be said that no declaration was made in the Oath which had not already been made in the Protestation, and, in the eyes of the Committee, it was an act both dishonourable in itself and ruinous to their cause to refuse the one after accepting the other.

As they wrote to the Vicars Apostolic in their letter of November 25, 1789 :

The solemnity of an official Oath can add nothing to the obligation of a deliberate and public protestation ; and the only utility in sub-

[1] *Memoirs of the English Catholics*, vol. iv.
[2] See *Dawn of the Catholic Revival*, vol. ii. App. E.

scribing a protestation against imputed errors was obviously to serve as a basis for a future plan to procure redress from those grievances, which nothing but the accusation of holding pernicious doctrines had brought upon our body. The Oath therefore followed the protestation as a thing of course, and since it does not in any one particular deviate essentially from the protestation, it consequently forms one and the same instrument,—and as this instrument has been publickly delivered before the eyes of the nation into the hands of the Legislature, any appearance of departing from it might be justly construed as a proof of unfair dealing, and would, of course, confirm those prejudices, we have so long and so anxiously studied to remove from the minds of our Countrymen. English Catholics would labour more than ever under national odium, and our late proceedings would be held out as a demonstration, that Catholics cannot in truth give security to a Protestant Government.

2. We have, next, to compare this Oath with the others that were, or had been, prepared, refused, or taken.

First we may take the Oath of 1778 which had been generally accepted by the Catholics of England.[1]

In it we find the following points :

(*a*) A profession of allegiance to the reigning House of Brunswick.

(*b*) A declaration that it is *unchristian and impious* to murder heretics or not keep faith with them.

(*c*) A declaration that it is *no article of my faith* that *Princes excommunicated by Pope and Council* may be deposed or murdered.

[1] See chapter viii. of this work.

(*d*) A profession that *I do not believe* that the *Pope* or *any other Prelate,* etc., ought to have *any civil or temporal jurisdiction, power, superiority or pre-eminence directly or indirectly within this realm.*

There follows the usual declaration that no dispensation could absolve from the obligations of this Oath, which is to be taken in the plain sense of the words.

In the proposed Oath of 1788 the corresponding words are :

(*a*) I *detest and abjure as impious and heretical that damnable doctrine* (that princes may be deposed or murdered).

The language is stronger, and the word *heretical* is added.

(*b*) *I declare* that neither Pope nor other ecclesiastical authority *can absolve subjects from their allegiance. No Foreign Person, Prelate,* etc., to have any civil jurisdiction or authority within this realm, *or any spiritual authority* (the word spiritual was, as we have seen, deleted) *that can directly or indirectly interfere with . . . the Civil or Ecclesiastical Government thereof.*

We have here, which is new, a reference to the " Ecclesiastical Government " as by law established, and this was a point on which objections were raised.

(*c*) *No person can be absolved from any sin, nor any sin whatever be forgiven, at the pleasure of any Pope or Priest,* etc.

To this clause an addition was made, as we have already seen, declaring that, for the forgiveness of sins, contrition and amendment were required.

So much for the Oath of 1778, and we have, next, to make an important and interesting comparison of the prohibited Oath of 1789 with one that was prepared as a substitute, by certain of the VV.A. and circulated by Milner in the House of Commons in 1791.

The entire text may be seen in Dr. Ward's history [1]; I give here a few of the salient points:

(*a*) *I do swear that I do from my heart abhor and abjure that impious, heretical and damnable doctrine that princes excommunicated . . . by the Pope,* etc., *may be murdered,* etc., *and also that false, scandalous, seditious, traitorous doctrine that . . . they may be deposed,* etc.

(*b*) *I declare . . . that no foreign Prince, Person, Prelate,* etc., *hath or ought to have any civil or temporal jurisdiction whatsoever within this realm, and I will resist to the utmost of my power every invasion, hostility against, interference with . . . the constitution of this Kingdom or with the civil or ecclesiastical government,* etc. . . . *even though such . . . or interference be made under the pretence . . . of establishing the Roman Catholic religion.*

(*c*) As to the assertion in regard to the remission of sins it can not be done *at the mere pleasure or will of any Pope or any Priest* without *sincere sorrow,* etc.

(*d*) *I do also in my conscience declare and solemnly swear, that the infallibility of the Pope is no article of my faith and that I would not believe him or obey him although he should dispense with or annul this my Oath,* etc.

Now we may surely ask in what way this Oath is, from the Catholic point of view, preferable to that

[1] Vol. ii., App. E.

which had been condemned by those responsible for the substitute; and, indeed, whether it might not have been judged, in some respects, more objectionable than the Oath of 1789, as amended by the Committee in deference to those of the bishops who sought to guide and assist, and were not keen to condemn. And may we not ask, yet further, whether any of these Oaths were preferable, from the point of religion and doctrine, to that of James I, for the refusal of which Catholics had so grievously suffered?

James I was himself too much of a theologian to offend theological susceptibilities as did those statesmen of the eighteenth century in the tests which they proposed.

On this point the Committee wrote as follows, in their letter to the Bishops of November 25, 1789:

> After the infernal horrors of the Gun-powder treason, James I was strongly excited, by the clamours of a terrified nation, to exterminate the race of English Catholics. But James was tolerant and just. He declared, he would never confound the innocent multitude with the guilty few; and in order to pacify an enraged people, and shelter from destruction the devoted victims, he drew up himself a test, by which he might discriminate the legal and conscientious Catholic from the dangerous bigot, who was actuated by fanatic zeal, or driven from his duty by the predominancy of foreign politics. He proposed an Oath of Allegiance, and with elaborate care, and the nicest exactness, separated spiritual from temporal concerns. He left to conscience all its rights in matters of salvation, and only required a solemn protestation of fidelity to the Government of the State. His Catholic subjects presented themselves with ardor to give their pledge

of fealty, exulting in an opportunity to reconcile at length their political and their religious obligations.

Their joy was short. Paul V, who then sat in the Papal Chair, fulminated a condemnation of this political Oath. He declared it inconsistent with faith and hostile to salvation.

And they go on to say :

The Oath condemned by Paul V, with the exception of the word heretical, has been taken by your Lordships, [in the Oath of 1778] and this very Oath, once the cause of so many dissensions, and so much unhappiness, is now recommended by your Lordships as the ground-work of our future proceedings.

With greater emphasis, and more bitterness, the Committee referred to the Oath of James I in their letter, of the same date, to the Catholics of England :

. . . we beg to observe that the Oath of Allegiance proposed to the Catholics by James I . . . against which Paul V fulminated a first, a second, and a third Bull,—which he formally pronounced to contain many things contrary to faith and salvation,—which, or the like of which he enjoined the Catholics of England never to take,—to the not taking of which, the laws passed since that time against the Catholics, their subsequent calamities, their sequestrations, the extinctions of their families, and particularly the suspicions entertained of their temporal dependence on the Court of Rome, are, at least, in a great degree, to be attributed,—this Oath,—this very Oath (with the exception that it declares the deposing doctrine to be heretical), is in substance the same as the Oath of 1778 ;—with this exception therefore, this very Oath was in 1778, taken by our

present Vicars Apostolic, and is in 1789, held out by them as a perfect and unexceptionable declaration of the principles of the Catholic Faith.

3. The third question, and far the most important one, is whether the proposed Oath in any way infringed the doctrine of the spiritual supremacy.

It must, first of all, be noted that, on this most vital point, the VV.A. had made no adverse pronouncement, either in the condemnation they issued to the faithful in general, nor in the letter, quoted by Dr. Ward, which Dr. Walmesley wrote to Lord Petre and three other members of the Committee.[1] Therefore such objections as were raised on this particular point must have been rather insinuated than declared.

Mr. Francis Hargrave, the eminent lawyer, not a Catholic, who had, as we know, assisted Charles Butler in the framing of his Bill, was asked for a definite opinion on this question, and the following note has been preserved in the Coughton Court archives, expressing his view on the matter :

Mr. Hargrave's opinion on the Oath

It is, he writes, *purposely so framed as to leave a sufficient reserve for the spiritualty claimed by the Church and Pope.*

He explains that, by this *spiritualty* he means a power whose sanctions are in the future world, and are therefore, in this world, *mental* in character. The power of the Church is not coercive, and can therefore be shaken off by a mind no longer convinced. But persons who have the views of Papal authority in the extreme form, who are not only

[1] *Op. cit.* i. 177.

in communion with the Church, but are "*devotees of the Court of Rome,*" ought to avoid the oath in question as "*utterly incompatible with their principles,*" etc.

Fras. Hargrave,
New Boswell Court,
March 9th, 1791.

In their letter to the Catholics of England the Committee speak as follows on this point :

ANOTHER Objection to the Oath, we understand, is, that, by it we deny the Church's having a Spiritual Power.

NOTHING could be further from our thoughts : And the objection, we conceive, must vanish the moment the true meaning or import of the expressions used in the Oath is adverted to. It is not meant to deny by them the spiritual Authority of the Church to preach her Faith, Administer her Sacraments, Ordain the Ministers of her Word, punish by spiritual Punishments, or reward with spiritual Rewards, or any other spiritual Right, with which she was invested by Christ. All that is intended to be denied by the Oath, is, that Right which her Divine Founder so constantly, so unequivocally and so forcibly disclaimed, to LEGISLATE IN TEMPORAL CONCERNS, OR TO ENFORCE HIS SPIRITUAL LEGISLATION BY A COERCION OF A TEMPORAL NATURE.

. . . . .

THUS, also, it is objected, that the Oath is erroneous when it protests against the right of the Church to affect or interfere with the Ecclesiastical Government of the Kingdom as by Law established. To this objection, a complete answer, we conceive, might be made by observing, that, the

Ecclesiastical Government of a Country, *so far as it is by Law established*, is a part of the temporal Government of that Country. When, therefore, it is said, that, neither the Pope nor the Church, etc. has or ought to have any right to interfere with the Ecclesiastical Government of a Country, as by Law established, we only repeat the proposition, on all sides acknowledged to be unquestionable, that, the Pope, etc. has not any right to interfere in the temporal Government of that Country.

. . . . .

We beg to add that, a few days before our Bill was mentioned in the House, we circulated a printed case, among the members of both Houses. —We express ourselves in it in the following words,—" The English Catholic Dissenters object to take the Oath of Supremacy, because, like every other Church in communion with the See of Rome, they acknowledge the Spiritual primacy of the Pope."

Now it cannot be thought possible, that we should have inserted this expression in the case, if we thought it contradicted the Oath, or that if it did contradict the Oath, it would have escaped the Animadversion of the public. Yet we beg leave to assure you, that, though the cases were universally circulated both in Parliament and out of Parliament, to this hour we have not even heard the supposed contradiction pointed out. We also beg leave to assure you, that, we know for certain, that the leading men of the Nation understand, that nothing contained in the Oath is meant as a denial of the Catholic Belief of the Pope's spiritual Supremacy.

. . . . .

Did it contain anything contrary to faith, or

the Word of God, there cannot be a question but it should be altered in every particular in which, upon this account, it were objectionable. But we beg leave to repeat, it contains nothing but a promise of that allegiance which every government has a right to claim from its subjects, and every subject owes the State under which he lives. Did it even contain any thing ambiguous, all its ambiguities should be set clear. But we find it contains no ambiguity. Every word has been repeatedly scrutinised by the first persons of this country. The consequence is, that in its present form it is universally acknowledged to be a complete and unequivocal Declaration of Allegiance, and a complete and unequivocal Protestation against the temporal power of the Church, against the Pope's temporal supremacy, and the right either of the Pope or of the Church, to absolve subjects from their allegiance, or to dispense with the civil or social duties of Man. But here, in the opinion of all public men it ends. In their apprehension, it does not contain one syllable which, construed in the plain and obvious sense of the words, denies the spiritual authority of the Church, or the spiritual supremacy of the Pope. They do not think it varies in any respect from the Oath of 1778, except that in some instances, it *expresses* what, in their opinion, that Oath *implies*. Thus IT IS NOT CONSIDERED BY THEM AS A PROFESSION OF FAITH; THEY CONSIDER IT MERELY AS A PROFESSION OF ALLEGIANCE AND A REJECTION OF OPINIONS IMPUTED TO US, WHICH IN THEIR OPERATION HAVE A TENDENCY TO INJURE THE STATE. Against these we protest. But the partition between us and the established church remains, and by them is known to remain as before.

In their letter to the Bishops, they earnestly implore them not to condemn a document which does not err on religious grounds :

> YOU require, my Lords, our submission to your determinations ;—but we entreat you to consider again whether there be any solid grounds of condemnation, whether every motive of conscience and honour do not oblige us to abide by what we have already done as a body, whether the form of the intended Oath contains any thing more than a pledge of our social and civil principles, whether it may not be taken in perfect consistency with the most entire and unfeigned belief in any doctrine of the Catholic Church.

4. Putting aside these definite and detailed objections to the Oath, the Committee had also to answer such objections as those of Dr. Walmesley, as expressed in his letters to four members of the Committee. His desire was simply no other than that the whole business should be dropped, Bill, Oath, and all. As we know, he had been badly shaken by the horrors of the Gordon Riots—he had all the liberty he himself, as bishop and pastor of his flock, required—he would have preferred peace and quiet to progress.

To his representations the Committee answered as follows :

> This brings us, my Lords, to a consideration of the Letter which the Senior Apostolical Vicar sent in your name to four members of the Catholic Committee. Your Lordships ask, " May it not be more prudent to drop at present any further pursuit of the measures, which have begun ? " For numberless reasons, my Lords, that pursuit cannot be dropped. Our business has proceeded too far, it has been laid before the Public, it has

already engaged the attention of the Legislature, every circumstance seems to promise it success, and if the Catholics of England lose the opportunity of recovering their civil and religious rights it is probable they will ever after look in vain for their emancipation.

MY LORDS [they go on to say], in the concerns of salvation we reverence the Episcopal Authority, and we have not the presumption to intrude ourselves into the decision of religious controversies, but while we respect that Authority, which the Gospel of Heaven has empowered its Ministers to exercise, we cannot but recollect, that we are men and citizens, and as such have rights to claim and duties to perform.

. . . . .

And lastly, they declare that :

IN SATISFYING THE MINDS OF THE PREJUDICED,—IN PROVING OUR UPRIGHTNESS TO THE LEGISLATURE,—IN CLEARING OUR RELIGION FROM DISGRACEFUL ASPERSIONS, IN ATTEMPTING, BY HONEST MEANS, TO RECOVER THOSE TEMPORAL ADVANTAGES, FROM WHICH NOTHING BUT MISREPRESENTATION HAS EXCLUDED US ;—IN DOING THIS, MY LORDS, WE ARE PERSUADED THERE CAN BE NO ENCROACHMENT UPON THE PASTORAL AUTHORITY, AND AS OFTEN AS OPPORTUNITIES OFFER OF DOING IT WITH SUCCESS, WE CANNOT REFRAIN FROM BELIEVING YOUR LORDSHIPS WILL COUNTENANCE OUR ENDEAVOURS.

To their fellow-Catholics they say :

At all events, this much is effected, that the nation will no longer consider us as dangerous or

doubtful subjects. Our religious principles they may consider as erroneous, but our political opinions will no longer give them alarm. We know they are disposed to serve us. Our affairs have long engaged the attention of the public. Had there been any where a wish to injure us, it must have manifested itself long before the present day. But no symptom of this nature has appeared. On the contrary, we have received from every quarter the warmest promises of assistance and support.

UNDER these auspicious circumstances, our business has been brought forward. Our Petition (a transcript from the Declaration) is in both Houses of Parliament. We have delivered up the bill to the gentleman, who has undertaken to introduce it into the House. It must now be considered as in the hands of the Legislature. On their justice and humanity we rest our cause, and trust for its success.

This Oath, the subject of so much heart-burning, was eventually discarded, but its history is of abiding value. It is obvious that the Committee, like an army on its march to victory, was almost maddened by the criticism and defections of its own friends and followers. It is obvious that some of its members were ardent and impetuous to excess in their efforts to complete their task. Their own friends were not slow to point out their failings in this respect, as did, for instance, Mr. Joseph Berington in some letters to John Throckmorton that I have seen in the Coughton Archives. But as any faults of which the Committee may have been guilty, during these and subsequent negotiations, have been sufficiently stressed in other places, I feel justified, here, in putting forward the following points, which have been somewhat overlooked :

1. The Committee felt themselves under the obligation to submit the text of the Oath, as of the Protestation, to their ecclesiastical superiors on religious and doctrinal grounds alone. And it should be noted that not one of the bishops ventured to assert that either document was heretical in character. Had they done so, there is no doubt that the Committee would have reconsidered its decision.

2. The Committee were uniformly well disposed to accept the criticism of the bishops.

3. They felt themselves grievously slighted by the action of Bishops Walmesley and Gibson ; action in which the other two bishops refused to join.

4. They could not tolerate the endeavour of the bishops to evade the plain consequences of their signing of the Protestation.

5. The laity felt themselves absolutely bound in honour to adhere to their declaration in its full sense and meaning. They also felt themselves bound, as men of the world, to carry through the business which they had put in hand. To do otherwise would have been to condemn the whole Catholic body in the eyes of their fellow-countrymen.

The clergy are apt to feel these questions of honour less strongly, because they consider that their duty lies with other matters of greater and more spiritual import.

This, however, does not alter the question so far as the laity are concerned.

This chapter may be fitly closed by a repetition of the letter of Dr. Thomas Talbot to Dr. Walmesley :

> The explication that has lately been given, and the declaration from some persons high in power stagger many people in these parts, and make them think the Oath not so objectionable as they first conceived it to be. Whilst we ought not most

certainly to give up any Tittle of our Faith, or for human considerations make a sacrifice of our religion, we ought not to put any unreasonable obstacles to a measure that is deemed greatly to conduce to the public good . . . and I have my doubts whether hereafter we shall not be thought to have been over-scrupulous and nice.[1] . . .

[1] See chapter xiii.

CHAPTER XV

Protesting Catholic Dissenters

As we have already seen, the Bill of Relief, which had been drafted by Charles Butler, was set aside, much against the wish of the Committee. In the Bill, which their friends in Parliament substituted for it, the term *Papist*, under which English Catholics had hitherto been described in Government Acts, was dropped, and that of *Protesting Catholic Dissenters* was put in its place. This term was even more provocative of controversy than the Oath itself.

In studying that controversy it is essential to distinguish two points, of quite different import. The first point is that of the term itself, its character and propriety.

The second point is that of the distinction which was introduced, in virtue of this term, between two sections of the Catholic world, of which one was to be designated as that of *Protesting Catholic Dissenters*, entitled to the relief extended to them under that name, while the other continued under the old denomination of *Papists*, and profited nothing under the Bill.

One cannot, I think, too greatly emphasise the distinction between these two points, of which the first can be so very much better justified than the second.

We will take them in their order.

I

In the Petition, which was attached to the Bill, and preceded it in order of composition, the term used was simply that of " Catholic Dissenters," and it was in the Bill that the word " Protesting " was added.

In Charles Butler's Bill the expression used was that of " English Catholics." The word " protesting " was undoubtedly adopted as a reminder and confirmation of the Protestation ; so that we find, once more, the influence of this latter document in subsequent procedure.

The name was no choice of the Committee, but they thought it best to accept it as proposed to them. Its reminder of the Protestation would have been no objection in their eyes, and having once consented to its adoption they defended it, as they were bound in honour to do, unless they thought themselves called, in conscience, to confess that they had erred, and that the term was an improper one.

Characteristically, Milner succeeded in poisoning the minds of posterity, by continually substituting for the term, as it actually stood, that of *Protestant* Dissenters ; thus suggesting an approximation to Protestant doctrine and principles on the part of those who accepted it. Dr. Ward has not hesitated to point out the injustice of his action, though I will venture to use for him " the right word," which his ecclesiastical character withheld him from adopting, and plainly to call such action dishonourable and dishonest.

In regard to names generally, as applied to us Catholics, I should like to recall the fact that there has been a certain amount of variation in our minds on the subject.

The term *Papist* has always been regarded as offensive ; both by those who used it to or of us, and

by ourselves. Yet it is not without its appropriateness according to Ultramontane and post-Vatican teaching.

The term *Roman Catholic* was by no means agreeable to Catholic ideas in England fifty or sixty years ago. As children we were taught that the name *Catholic* was ours by sole right, and that it was neither necessary nor desirable to prefix the term *Roman*.

Anglicans of our day will regard such an attitude as arrogant ; perhaps it was. Anyhow, it was not from any disloyalty to the Holy See that we entertained such a view, but because we regarded the term as the exclusive prerogative of our Church.

In his work on " The State and Behaviour of English Catholics " the Rev. Joseph Berington says that he has been accused of using the word *Catholic* without *Roman*.

> It is true [he replies] I have intentionally done so. Why should I apply an unnecessary epithet, when the single appellation of Catholic sufficiently distinguished the party I was describing ? Catholic is an old family name which we have never forfeited. The words Popery and Papist are peculiarly insulting.[1]

These were exactly the sentiments in which we were educated.

Hence the description of Catholic, without the addition of *Roman*, was certainly not out of accordance with the strong Catholic sentiment of our ancestors. But the same writer, Joseph Berington, said, in a private letter to Mr. John Throckmorton— " I hate the word Protesting Catholics." [2]

There has been, I believe, quite lately some controversy on the subject, in which Catholics have renewed their adherence to views prevalent amongst

[1] Preface to first edition, p. vi.
[2] Aug. 15, 1789. (Coughton Archives.)

old English Catholics in my childhood ; and have claimed to be called Catholics, without the prefix Roman. And yet the upholders of this view at present would reckon themselves distinctly Ultramontane in tendency.[1]

Yet it was, at the time of which we write, the Cisalpines who were inclined to reject the prefix, and the Ultramontanes who held to it. Whence, then, did we Catholics of the latter part of the nineteenth century draw our views on the subject ?

In point of fact, the description of Roman Catholic is an old one, and its history would be of interest. Does St. Augustine himself employ it in some place ? I am not certain. In any case, it cannot be condemned as an improper description of Catholics in union with the See of Rome ; and there is, in the term, none of the offensiveness proper to such a term as *Papist*—the prevalent one in the days of which we write and later, or that of *Roman*, which is sometimes employed by our Anglican friends in these days. Both of those terms imply a form of dependence on the See of Rome which is incompatible with the Church's character of universality.

The term, however, of *Protesting Catholic Dissenter* was a totally new one, introduced on political grounds only ; not forming a part of the Oath, as Milner led those to believe who did not take the trouble to consult the text of the Oath ; and, in fact, not a religious, but a political appellation. This would not have justified the adoption of it by Catholics if, in spite of its political character, it had been susceptible of anti-religious interpretation ; but this was one point on which the Committee defended it. We may, after all, accept a description of our-

[1] There is an inconsistency in their position ; one of those inconsistencies which are the penalty of the controversial temper. The term Roman Catholic is fitly applied to Ultramontane Catholics, and is repudiated, in this instance, from the desire to refuse the use of the word *Catholic* to others.

selves from others which is not our own. I have been told, for instance, that, when forming for Church parade, the N.C.O. will call out, to our military cadets, "Church of England stand firm, Fancy Religions fall out"—on which order Dissenters and Roman Catholics do fall out; yet they do not, in consequence, accept the term of "Fancy Religion" as a fitting description of their creed.

Anyhow, the Committee accepted the term, and believed that they could fully justify it. We give their apology, or explanation, in their own words, as drawn from their Letter of November 25, 1789, to the Catholics of England.

> 1. With respect to *its propriety*: The description, we submit to you, must be proper, if the Persons, whom it is intended to characterise, be described by it accurately and pointedly,—and if those persons have a real existence. Now that the description is both accurate and pointed, and that, by far the greatest part, if not the whole body of English Catholics fall under it, seems unquestionable. The description is contained in the preamble of the Act. It recites, "That, by divers Laws now in force concerning Papists, or Persons professing the Popish Religion, divers penalties and disabilities had been imposed on such persons on account of certain pernicious doctrines imputed to them,—and that, divers persons, who according to the Laws now in being, are within the description of Papists, or persons professing the Popish Religion, do not hold, and have protested against, such pernicious doctrines, although they continue to dissent, in certain points of faith, from the Church of England, and are therefore called *Protesting Catholic Dissenters*, and that such persons are willing solemnly to protest against, and to declare that they do not hold such

pernicious doctrines." Nothing can be more accurately or more pointedly told, than the fact contained in the first member of the recital,—"that by divers laws now in force concerning Papists or persons professing the Popish Religion, divers penalties and disabilities have been imposed on them, on account of certain pernicious doctrines attributed to them." Is any thing more true than that Laws are now in force against Papists? that these Laws impose penalties and disabilities on them? and that these penalties and disabilities were imposed on them, on account of certain pernicious doctrines attributed to them? Each of these facts is accurately and pointedly mentioned, each of them is strictly and literally true. Every member of the following sentence, "and that divers Persons, etc.," is equally accurate, pointed, and true. Is it not true, that divers persons, who according to the laws now in being are within the description of Papists, do not hold the pernicious doctrines attributed to them?—Is it not true, that, divers persons, within the description in question, have protested against such pernicious doctrines, though they still continue to dissent, in certain points of faith, from the Church of England? Is it not true, that, divers persons within the description of Papists, and dissenting in certain points of faith from the Church of England, are willing solemnly to protest against, and to declare that they do not hold the pernicious doctrines attributed to them? These, the Act says, are called Protesting Catholic Dissenters.—The precise meaning to be affixed to each of these words, is so clearly expressed, in the second of the two sentences, we have cited from the Act, as not to admit of any doubt. From this part of the Act it clearly appears, that, the persons in question are termed *Dissenters*,—

because they *dissent* in certain points of faith from the Church of England,—that they are termed *Catholic*,—because they profess to be members of the Catholic Church,—and that, they are termed *Protesting*,—because they have protested, and are willing to protest against, and to declare they do not hold the doctrines attributed to them.

But it is said, "That the preamble of the Act will be considered as referring to the Protestation contained in the Oath prescribed by it, *and that by the Oath some doctrines are protested against which are not pernicious, and some which are even articles of faith.*"

To this we beg leave to answer, that, it certainly must be admitted, that the preamble is to be considered as referring to the Protestation contained in the Oath:—and that, if by the Oath, any doctrine be protested against, which is not pernicious, or, *a fortiori*, if any doctrine be protested against, which is an article of faith, the preamble cannot be acquiesced in, by any Catholic, with a safe conscience. Whether the doctrines protested against by the Oath, be or be not pernicious, and whether any of them be matters of faith will be afterwards examined. All that is contended for at present, is, that, if the doctrines protested against by the Oath, be pernicious, and be falsely attributed to Catholics,—the propriety of the expression, Protesting Catholic Dissenters, is unquestionable. In that case all the Catholics who will take the Oath prescribed by the Act will fall under it. Having taken it,—as they continue to dissent in certain points of faith from the Church of England, the Act styles them Dissenters;—As they continue members of the Catholic Church,—the Act styles them Catholics;—and as they have protested against certain pernicious doctrines attributed to them,—the Act styles them *Protesting*

Catholic Dissenters. This explanation does not rest upon inference or implication ; It is given in express words by the Act itself.

II

The second question which arises, in regard to the obnoxious term, regards the propriety of its suggested limitation to one section of the Catholic world.

And here it seems to me impossible not to acknowledge an error, tactical and moral, on the part of the Committee.

It was a tactical error, because it would have been far better for English Catholics to confine themselves to an assertion of their own loyalty, and immunity from such doctrines as were falsely imputed to them, than to occupy themselves with a discussion of what other Catholics might have said or taught. It was a moral error, though the word moral is a strong one to employ in this question, because it is never good to throw others to the wolves even in legitimate self-defence.

In their Letter to the Catholics of England they thus defend their action in the matter.

> ANOTHER objection [they write] made to the description in question, is, "That it *implies* in a very marked and pointed manner, that, *though the doctrines in question are not held by some Catholics, they are held by others.*"
>
> But admitting this to be the case, We beg to observe to you,—that, among the doctrines intended to be protested against by the Oath, are :—I. That, Princes excommunicated by the Pope may be deposed by their Subjects :—II. That, the Pope can absolve Subjects from their Allegiance :—III. That the Pope hath a Civil Jurisdiction within

the Realms of other Princes :—IV. That the Pope is infallible :—V. And that a breach of faith with a person may be justified, under the pretence that such person is an Heretic or an Infidel. Of these tenets, the last was never a prevailing opinion among Catholics, and the contrary doctrine has been maintained by Catholic writers of every age and every country. The doctrine of the *Pope's Infallibility*, in matters of Faith, (by which, we beg to say, is always meant his personal Infallibility, independently of the general body of the Church,) once had many advocates, and among them persons eminent for their learning. Some it still has, in parts beyond the Alps. Thus this doctrine, though rejected by the Protesting Catholic Dissenters, is maintained by some other Catholics. If therefore the Act, either express or imply, the existence of the distinction in question, it does not, in this respect at least, express or imply what does not exist.

After further discussion of these points, and of the various doctrines that have been emitted on the subject, they continue :

They therefore adopt the form of an Oath, in which the Catholics renounce such of the doctrines imputed to them as are supposed to be morally or politically evil. Neither do they claim an exemption from the penal laws for all the Body ; they claim it for those only, who make the renunciation in question. To them the adversaries of the Catholics (if they are consistent with their own principles or even with their own prejudices) must admit Toleration ought to be extended. The operation therefore of the Bill is to leave those ideal numbers of Catholics who persist to hold the tenets in question, (mere nonentities, we hope,)

to continue victims to the laws enacted against all Communicants with the See of Rome.

One wishes it were possible to know with whom the responsibility rests for the above paragraph. Charles Butler was almost unerring in his judgments, and was saved from making mistakes, not only by the shrewdness of his intellect, but also by the goodness and piety of his heart.

The Committee had not, of course, the slightest fear of their fellow-Catholics in England falling under the ban with which those to be legally classed as Papists were threatened. Nor were they substantially wrong in admitting that those who professed doctrines that were dangerous to the State must rightly expect that the State should take cognizance of such danger. But they made what I, personally, cannot but regard as a reprehensible mistake in handing over such victims themselves to the arm of the law, as they did, to some extent, by declaring them liable to its penalties.

I have, in the course of my life, been witness of such action when it was the Church, and not the State, whose penalties were in question. I have seen men join their own disclaimer of guilt with the accusation of others, and, there again, it may have been true that the discrimination was just (it was not always so), but, even so, was it their part to denounce the victims ?

In the case of the Committee the offence was not so glaring, and they did not believe that such victims would veritably be found. But they had been wiser and more generous not to suggest their existence, and not to differentiate themselves from a section of their co-religionists. They could quite well have denounced the views, and professed their own integrity, without condemning the persons who held them.

One other criticism might be directed against the Committee before leaving the history of the proposed Oath of 1789. They were inclined to become too theological in tone in their various answers to criticism; especially in their answer to the Bishops. It would have been far better to have entirely eschewed theological argument, to have thrown the entire burden of such argument on the ecclesiastics who opposed them, and to have spoken simply as laymen, repudiating those doctrines which the Catholic Church in England had universally repudiated. I cannot avoid a suspicion that one layman in particular was in part responsible for the theological and controversial tone adopted in some of these addresses, though there were, of course, ecclesiastics also on the Committee. Again the addresses might, with advantage, have been shorter.

On the other hand we must not overlook one very distinct grievance from which the Committee suffered, and against which it protested, which was that the Bishops who condemned them would give no reason, and that they also omitted to consult with them on the negotiations in question before uttering their condemnation.

Thus they say, in their Letters to the Vicars-Apostolic:

> We doubt not but that your Lordships have used *mature deliberation and previous discussions*:— We cannot however forbear expressing our regret that none of those persons, who have been concerned in promoting and conducting this business of general utility, were called in by your Lordships to explain their sentiments, and give that information, which probably would have prevented any necessity of issuing a public censure.
>
> Your Lordships have unanimously condemned the form of an Oath intended for the Catholics,—

yet we beg leave to represent, that this very form was, not many months since, sanctioned with the approbation of one of the four Apostolical Vicars, who, as a Member of the Committee, has all along been consulted, and without whose concurrence not one step has ever been taken.

In condemning the form of the Oath your Lordships have not condescended to point out what particular parts you judge to be reprehensible,—and as the Oath contains no formula of faith, or declaration of religious doctrines, we are at a loss to discover what can make it an object of ecclesiastical censure.

You have declared the form of the Oath unlawful to be taken :—but as your Lordships decline to specify, for what reasons or through what motives it is unlawful, we are bewildered in conjecturing why we should be restrained from giving to our country a solemn pledge of our principles as men and as citizens.

With these words we may conclude this chapter.

CHAPTER XVI

The Heat of Battle

It is rare indeed—it is more than rare, it is perhaps positively unknown—for a party in any quarrel, however just its cause, to remain, from first to last, unerringly correct in its tone and conduct, especially when it is not the party chief in power.

I have been attempting, in the past pages, by the simple exposition of facts and documents, to render to the Catholic laity of England that justice which was long denied them, in consequence of the unfair histories which had been accepted as sound and accurate. I have had the invaluable support of Dr. Ward's history ; I have also drawn my information from nothing but texts which all may consult.

The conclusions which I have reached are, for the most part, suggested in Dr. Ward's work, though they are not stated.

There are some letters and documents, belonging to the stage of proceedings we have now reached, that may rightly be regarded as less entirely correct in tone and temper than those we have hitherto considered. Our Committee was sorely tried ; it was unjustly and cruelly attacked and criticised ; it occupied a position midway between its civil and its ecclesiastical rulers, and was exposed to fire from both sides. It was, happily, not without clerical support, and the dispute must not be regarded as one between clergy and laity. Against a Walmesley might be set a Talbot, against a Gibson

another Talbot, against a Milner a Berington, against the address of some Lancashire priests in condemnation of the Oath an address of Staffordshire priests in defence of it.[1] We, the descendants of those Catholic laymen who consecrated years of their lives to our rescue from oppression, owe a debt of reverence and gratitude to those bishops and priests—holy men all, and loyal to Church and faith—who stood by them in their struggle, and who probably saved them from many mistakes.

The death of Dr. James Talbot was a grievous misfortune to English Catholics. He was a holy bishop ; he was a perfect gentleman. He knew his duty to the Church, to which he had consecrated his life, and for fidelity to which he had twice been tried as a criminal ; he also understood the feelings of English gentlemen, and their sense of loyalty to the word once given. It is not surprising that those whom he had guided and supported, whom he had criticised but not condemned, should have been eager to obtain some one like him as successor in the bishopric. The man of their choice was Dr. Charles Berington, bishop coadjutor of the Midland district.

Dr. Ward himself tells us that there was no established method in regard to the election of Vicars Apostolic. Frequently the coadjutor simply succeeded, and in the London district there had been no election since 1703. In this case the clergy of the district proceeded to a choice, and sent up three names to Propaganda—those of Bishop Charles Berington, Mr. Douglass, and Mr. Peter Bourne.

The Catholic Committee wrote to Propaganda pressing for the nomination of Bishop Berington.

Meanwhile Dr. Gibson, of the Northern district, also died. His desire was to be succeeded by his own brother, a desire which Dr. Thomas Talbot transmitted to Rome, though he sympathised with

[1] See *Dawn of the Catholic Revival*, i. 201–5.

the wishes of the Northern clergy to have a bishop of their own choice.

Meanwhile Mr. John Throckmorton published his pamphlets on the right of clergy and laity to elect their bishops. In this "Letter to the Catholic Clergy of England" he cites ancient Canons; he points out the evil to the Church in England from the appointment of titular bishops, with their consequent dependence on Rome. He refers to events in the London district, where opposition had been raised to the chosen candidate of clergy and laity (Dr. Charles Berington).

He urges, as a layman, that the clergy have not acted according to ecclesiastical law in submitting the matter to a foreign prelate.

In his second letter, after further historical arguments, directed to Milner in particular, who had replied to his first pamphlet, he touches on the right of the laity to speak their mind when there is any deviation from correct order; and he also questions the right of the Pope to interfere in matters wherein the laws of the country forbid such interference.

(We must remember, in justification of this position, that, by Concordats, the Holy See has, itself, often renounced, or greatly reduced, its claims in regard to ecclesiastical nominations.)

Lord Petre wrote a strong letter to Dr. Walmesley on the subject, which letter Dr. Ward quotes. He also, regrettably, coupled his arguments with the threat of withdrawing pecuniary support.[1]

In a letter to Mr. Throckmorton of April 30, 1790, after mentioning a report that "Rome objected to the mode of electing Bishop Talbot's successor," he goes on to say:

> That court jealous of their remaining power apprehends this to be a kind of election of a

[1] *Op. cit.* i. 224–5.

Bishop, which is a mode not applicable to the appointing of an Apostolic Vicar who is the absolute servant of the Pope and therefore not subject to the election of either Clergy or Laity.

Mr. Strickland wished very much that in return to this answer from Rome the Clergy and Laity should petition to have a Bishop in ordinary, as in that case we should have a right to elect him.

Dr. Walmesley, as senior Vicar Apostolic, played an important part in the final decision. The view of Dr. Thomas Talbot, in regard to the appointment of Dr. Charles Berington, was that "where clergy and laity agree upon ye same person, and who are well acquainted with him and his sentiments, I can see nothing ridiculous in consenting to his nomination." [1]

Had Dr. Talbot's view won acceptance a good deal of subsequent trouble and sorrow would have been avoided. But Dr. Walmesley was strong in opposition to the appointment of Dr. Berington, the will of the defunct Dr. Matthew Gibson prevailed over the wishes of his clergy, and Dr. Douglass was named by Rome to the London district, Dr. William Gibson was named to succeed his brother in the Northern district. The letter of the Catholic Committee to Propaganda, in which they had earnestly pleaded for the nomination of Dr. Berington, was never answered.

The Committee determined, at a meeting of November 5, 1790, to send a deputation to the Pope himself, to put their case before him, and counteract any false impressions that might have been received. They chose, for this purpose, Dr. Hussey, chaplain to the Spanish Embassy, who accepted the mission,

[1] See *Dawn of the Catholic Revival*, i. 223. (The Letter is quoted, by Dr. Ward, from the Ushaw Collections.)

but was afterwards unable to fulfil the request, as the ambassador refused him permission.

But his instructions had already been drawn up at two subsequent meetings of December 1, 1790, and December 2; and these instructions have their historic interest as expressive of the mind of the Committee, and of their attitude to the Holy See. Charles Butler quotes them, as follows, in his "Memoirs of the English Catholics":

> "Mr. Hussey will make every prudent exertion to clear up any misrepresentations, and to give an accurate account of the state of the catholics in this country.
>
> "The main object, which he is requested to keep steadily in view is, the necessity the English catholics were under, of vindicating the integrity of their principles, repelling the slanderous charges uniformly brought against them, for two centuries past, and of removing those penal and disabling statutes, which have been gradually undermining their body, and must at length operate almost a total extinction of the catholic religion in these dominions. He will represent, that religion has always been supported, and is at present everywhere supported, except in some few populous towns, entirely by the voluntary munificence of the nobility and gentry: and unless they recover their rights, there is imminent danger of the catholic religion's declining with great rapidity.
>
> "He will take an opportunity of expressing the surprise and astonishment of the peers and gentry, who never received any answer to the application they made on the election of Mr. Berington. He will explain the rise and progress of the present business: and show that the protestation was not a voluntary offer of the committee: but a pledge of uprightness called for, by our protestant

fellow-subjects; was not attempted to be carried into execution, as a basis of public measures, until it had been approved and signed by the apostolic vicars, the far greater part of the clergy, and most of the respectable laity in the four districts: that it has been already presented to parliament, and therefore, if the present form be not perfectly correct in the wording, the committee are not to blame, because no alterations were previously called for by the clergy, and the deed having gone before parliament, it cannot possibly be revoked.

"Mr. Hussey will be pleased to insist, if necessary, upon this principle, that what has been done, cannot be undone; and to explain, that the protestation was not intended to hurt religion, but to serve it; not to infringe the communion of English catholics with the holy apostolical see, but to render that communion less odious,—not to prejudice the character of the first pastor of the church, but to rescue it from obloquy and abuse.

"If the oath is called for, Mr. Hussey will present, that the catholics of the present times, are only responsible for the protestation, the oath of allegiance and adjuration having been unequivocally taken in 1778; and, of course, the deposing doctrine having been solemnly renounced, and abjured, we could not hesitate to adopt the qualifying terms, especially as the Sorbonne in 1680, and again in 1695, had informed us that we might safely declare it impious and heretical.

"If any scruple is raised about the act of settlement and limiting the succession of the crown to the protestant line, Mr. Hussey will not permit the subject to be discussed; because we acknowledge no authority to interfere with the succession of our kings, but the law of the land;

the authority of which law we have already solemnly acknowledged by our oath of allegiance.

" Mr. Hussey will bear an honourable testimony to the character of Mr. Berington, and insinuate that any doubts about his character, must reflect on the secular clergy, who elected him, the regular clergy, who expressed their satisfaction on hearing of that choice—and on the nobility and gentry, who ardently desired that election to be confirmed.

" Mr. Hussey will endeavour to pave the way for having bishops in ordinary elected by their clergy, on two grounds: 1st, On account of the great utility of the change in the present circumstances of the English catholics: 2nd, On the supposition that the legislature may soon require that change to be made."

. . . . .

In addition to what the writer has said respecting Dr. Hussey's *designed mission* to Rome, he begs leave to observe, that no reason was ever given by that eminent prelate for declining it, than the refusal of the Spanish ambassador, whose chaplain he was, to permit him to undertake it.[1]

The following letters from Lord Petre to Mr. John Throckmorton are indicative of his temper of mind at the moment:

THORNDON, *Sep.* 15*th*, 1790.

I have just time to write a line to express my astonishment as well as concern at hearing that Mr. Gibson is appointed by Rome to succeed his brother in the North and that after that is done and completed the three Apos. Vicars are to

[1] This sentence is directed against certain misrepresentations of Dr. Milner.

recommend a person for the London district. This will quite defeat us if not prevented, could not Mr. Thos. Talbot be prevailed upon not to assist in the consecration of a man so forced upon his flock? . . . I hope the clergy in London will be firm. . . .

In another letter, to the same, of Sept. 29, 1790, he describes a conversation with Mr. Barnard, Vicar-General of London district (he assured him all was in the Pope's hands, the successor of St. Peter, and insisted on the duty of all Catholics to obey, etc., the Person whom Christ had chosen, etc.): "I never had a visit in my life that tried my patience so much as the visit of that Man of God." [1]

Dr. Charles Berington, himself, put an end to these protests by renouncing all claim and right to the bishopric of the London district; and the Committee then deputed Charles Butler to pay their respects and homage to Dr. Douglass, and invite his assistance and co-operation.

But they had not been mistaken in their apprehensions of the danger to the Catholic cause which might arise from the appointment of hostile and unsympathetic bishops. At Lulworth, the storm centre of opposition to the Committee, a second condemnation of the Oath was prepared by Bishop Walmesley, in conjunction with Bishops Gibson and Douglass, the new VV.A. It was launched in London on January 21, 1791. Charles Butler had written to beg that nothing should be done without further consultation between the bishops and the Committee—but the bishops acted too quickly to take count of his letter, and they would probably not have done so in any case. The Encyclical Letter

[1] All these letters are from the Throckmorton Archives, Coughton Court.

was read at Moorfields and at Brook Green on January 24, 1791.

The bishops first recall the fact of their condemnation of the original Oath. They admit that it had been altered; but they had evidently not even examined it in its altered form, as they say:

"Some alteration has been made by the Catholic Committee in that oath" (in deference, as we know, to the objections of the Bishops); "but *as far as we have learned* [1] of no moment; consequently the altered Oath remains liable to the censure of the former Oath." [2]

Bishop Thomas Talbot declined to take any part in this Encyclical; he remarked that he could not condemn a text he had not seen; and suggested measures of conciliation rather than provocation.[3]

Later on Dr. Talbot expressed definite approval of the oath in its altered form; of which fact Charles Butler gives the following account:

> A report having been spread that the right rev. Mr. Thomas Talbot had altered his sentiments in respect to the lawfulness of the oath, as it then stood, Dr. Charles Berington was desired to inquire into this circumstance. The result is stated in the following entry of the minutes of the committee:
>
> At a meeting of the catholic committee at Mr. Butler's chambers, on the 15th of February 1791:
>
> Present:
>
> Lord Stourton
> Lord Petre
> Sir H. C. Englefield
> Mr. Throckmorton
> Mr. Fermor
> Mr. Towneley
> Mr. Hornyold
> Mr. Berington
> Mr. Wilks

[1] Own italics.
[2] See *Dawn of the Catholic Revival*, i. 242.
[3] *Idem*. p. 244.

Mr. Berington brought back the papers, and the following letter :

" Copy of a Letter to the Right Reverend Dr. Charles Berington

" Dear Sir,—You request to know our opinion of what passed in the public conversation at Longbirch yesterday. We can have but one opinion.

" Mr. Thomas Talbot repeatedly, in the most unequivocal manner, declared, that he approved of the oath in its present form, which form agreeably to his own requisition, had been accepted in a public meeting, on the 3rd of February 1790 :—that from that approbation he should not recede ; —that when, in a letter he lately addressed to Mr. Gibson in London, he spoke of having condemned the oath, he meant the oath as it was originally worded ; for, that he could not mean to say he had condemned that which he had publicly approved :—that he even lamented that measures, in the condemnation of the first oath, had been so precipitately conducted ;—that he thought it unnecessary at this time, to give a formal approbation of the present oath, because his former declaration, he knew, was on the minutes of the committee, and must be very publicly known ;—that he apprehended besides, should he (as we requested he would) give you a written approbation of the oath, that it might still more irritate the minds of some men, and tend to widen the unhappy breach :—Finally, that he admired the temper and great moderation of the gentlemen of the committee, whose views, he thought, were most upright, and whose zeal to promote the cause of religion and the interest of their catholic brethren merited the warmest commendation.

"Such were Mr. Talbot's sentiments, often expressed before us in the course of the day:—and with regard to ourselves, give us leave, sir, on this occasion, to repeat to you our deliberate acquiescence in the words of the oath; to lament the continuance of the opposition which is made to it; and to testify how much we applaud the general measures which have been hitherto pursued by you and the other gentlemen of our committee, to obtain from parliament a further redress of grievances.—With sincere regard, we remain, dear sir,

"your most affectionate and humble servants,

ANTHONY CLOUGH, JOSEPH BERINGTON,
THOMAS FLYN, EDWARD EYRE.
GEORGE BEESTON,

"Longbirch, February 15th, 1791. Directed to the Right Rev. C. Berington."

The Committee sent a lengthy reply to the condemnation of the three bishops, in regard to which I would venture to reiterate a previous criticism—it was too long; it was too theological. It would have been better to have left the entire burden of theological exposition and defence on the shoulders of the professionals; to have quoted, in their own favour, such precedent and authority as they could well have claimed; and to have made a simple declaration that they would submit to a plain doctrinal enunciation on the part of all the bishops, and to nothing else. They could also have adhered, as they did, to the position that no spiritual power can ask a man to repudiate a solemn declaration, made in truth and sincerity, in obedience to any arguments of expediency. Everyone had signed the Protestation, and there was nothing asked of them save what was contained in the Protestation.

A certain section of the clergy wanted to get away from that Protestation ; they had no right to expect others to imitate their efforts. The only way in which they could possibly go back on their action would have been by openly declaring that they had not meant or did not mean what they had there declared, or by an open acknowledgment of error. Either avowal would have been humiliating ; but such were the only means of escape. But they preferred methods of sheer evasion, and Milner's only resource, later on, was to endeavour to prove his adversaries cheats and liars, and to pretend that the authentic copy of the Protestation had been tampered with.

It is not necessary to give the full text of the reply of the Committee to this second Condemnation, which took the form of a letter to Bishop Douglass, dated February 2, 1791, but a few passages are important.

> In allowing the admissibility of the Oath, we might, my Lord, be mistaken. If we were, it was in common with our late venerable pastor, the Vicar Apostolic of the London district, with many clergymen of the most exemplary lives, of the most distinguished learning and piety, whose eloquence and writings are at once, the support and the ornament of the remains of English catholicity. Yet even these might err. But in what could be founded the atrocious charge of an attempt to injure religion ? Or the atrocious imputation of infernal stratagems ? [1] This remains for your Lordships to explain. It was not in our attempt to submit the protestation, as soon as received, to the Vicars Apostolic. In our forbearance from circulating it till we had their

[1] Reference to pastoral letters of Dr. Matthew Gibson and Dr. Walmesley.

permission; in associating with us the late Vicar Apostolic of the London district; in advising with him on the Oath as finally settled; in following his example, in allowing its admissibility,—What more than this could have been expected from the most docile members of Christ's Church?

In your 5th article or determination, your Lordships declare, that, the Catholic Committee, has no right or authority to determine on the lawfulness of oaths, or declarations, or other oaths, or instruments containing doctrinal matters. By this, your Lordships unquestionably insinuate, that, we have arrogated to ourselves this power or authority. We beg leave, my Lord, to meet this charge with a most positive denial of it; We have never claimed it.

In the minutes of the General Meeting of the 19th of February 1788, your Lordships will find, that, Lord Petre there declared, before the whole meeting, that "an idea had prevailed that the Committee had undertaken to interfere in matters of a nature merely spiritual. That, the only instance, in which the Committee could be thought to have done this, was, in their deliberations, whether it would be for the benefit of religion, that, the Vicars Apostolic should be Ordinaries; that, the first step they had taken in this concern, was to write to the Vicars themselves upon it. That the affair rested there, and that they had interfered in no other matter of a spiritual nature."

Upon the same principle, when a public service was performed for the restoration of his Majesty's health, we desired our Secretary to procure a sufficient number of copies of the thanksgiving appointed to be said for the recovery of his Majesty, and to have them distributed at the door of the Chapel, on the day of the solemnity. But consistently with our avowed principle of

never interfering in spiritual concerns, we expressly directed our Secretary to consult with Mr. Talbot upon it. You will find an account of this in the minutes of our proceedings of the 18th of March 1789.

My Lord, to accuse, is not to prove. On our parts, we have here produced to your Lordship a most unequivocal instance of our forbearance from interfering in spiritual concerns: And we know it to be impossible for your Lordships to adduce one single instance of proof, to support the charge in question; though, perhaps, the most invidious that could have been devised.

It is painful for us to enter into a discussion of this nature with your Lordships. At all times, we have been ready to meet the Apostolic Vicars; to inform them of our proceedings; to confer and co-operate with them for the public good. Why then, my Lord, precipitate matters? Why circulate this defamatory mandate? Have the faithful been edified by it? Has it served the cause of religion? Has it recommended Catholics to the favour of the nation? To those very Chapels, from the Altars of which your last Encyclical Letter was promulgated, more than one of us have largely contributed.

Your Lordship has now, before you, a candid detail of our proceedings, and copies of the original minutes, respecting them. Before the great Searcher of Hearts, we now solemnly ask your Lordship, whether, on the view you now have of the bill, and our conduct respecting it, it appears to your Lordship, that, the principles of the bill, or our conduct respecting it, are such, as your Lordship has proclaimed them to be;—Your Lordship must we think confess they are not. An amicable conference of a few minutes would have saved your Lordship, the misfortune of

having brought charges against us, which you must perceive are unfounded ; and have saved us, the painful necessity of a defence.

They conclude thus :

In the above, we have given your Lordship a full and candid account of our proceedings. We beg your Lordship will do us the honor to give it an attentive perusal : And when your Lordship has given it the consideration you think it deserves, we beg you will do us the honor to appoint a time when we may meet your Lordship, and give your Lordship any further information. But we beg leave to mention to your Lordship, that, as Parliament is now met it will be necessary to fix on a very early day.

My Lord,
With the greatest respect,
we have the honor to be
YOUR LORDSHIP'S
Most obedient and most humble
Servants,

Feb. 2, 1791

CHARLES BERINGTON
JOS. WILKS.
STOURTON
PETRE
HENRY CHARLES ENGLEFIELD
JOHN THROCKMORTON
JOHN TOWNELEY
THOMAS HORNYOLD.

The next step in the campaign was a meeting in Mr. Butler's chambers on February 8, 1791, between Bishops Douglass and Gibson, the Rev. J. Barnard, and the members of the Committee.

Dr. Ward gives a brief account of this meeting taken, he says, from " the minutes of the Committee,

the various ecclesiastical archives, and one or two contemporary letters," etc.

I find, however, by comparison, that he gives no facts beyond those recorded by the Committee, and I therefore give the history as quoted from their Minutes, and inserted in their subsequent letter of February 17 to the three VV.A. This letter was termed a "Manifesto and Appeal," and was a standing cause of offence to some of the bishops for years afterwards.

> You, my Lords, [they say,] Bishops of Acanthos [1] and Centuria,[2] will recollect, that from the time of the opening of the business, you insisted on there being no necessity of giving the reasons of your censures. But, upon being greatly pressed, you mentioned some of the passages you objected to; and a discussion ensued on the meaning of the word, "persons," which involved in it, the material question, whether the words of the Oath were to be taken in their scholastic or ordinary sense. You will recollect our offer to submit to the opinion of two civil lawyers, two common lawyers, and two Catholic lawyers, whether by the whole of the clauses respecting the right of interference, any thing could be meant to affect the rights of conscience, or the spiritual effects of spiritual censures? That you, my Lord, bishop of Centuria, desired it to be inserted in the minutes, that you gave no answer to this proposition; and you, my Lord, bishop of Acanthos, said you had no objection, but would not stand to their decisions, and wished the above construction inserted in the oath.
>
> Your Lordships will recollect, with what candor and harmony, with what a tendency to an amicable explanation, the discussion was going

[1] Dr. Gibson. [2] Dr. Douglass.

on, between Mr. Barnard, (of whose candor, explicitness, and moderation, we shall ever retain a most grateful remembrance,) on your side, and Sir Henry Englefield on ours. When you, my Lord, bishop of Acanthos, rose from your seat, and said, that all this discussion was of no consequence; the question was, whether we would submit or not? This unexpected requisition, and particularly the mode and the time, in which it was made, struck us with astonishment, and we requested to have your requisition in writing. It was accordingly committed to writing, and we withdrew into another room to give our answer.

Your question was,

"Whether the Committee intended to submit not to proceed further in the business of the Bill, without the approbation of the Bishops?"

To the above question our reply was,

"We have the greatest respect for episcopal authority, and are always disposed to obey its decisions, when applied to proper objects, and confined within proper limitation. But we say with St. Leo, *Manet Petri privilegium ubicumque ex ipsius aequitate fertur judicium.* The requisition of submission, made by the two Apostolic Vicars, appears in the present instance not grounded in equity. No proof of the proposed Oath's containing anything contrary to faith or morals, has been produced; And we cannot acquiesce in the requisition, without continuing, encreasing, and confirming the prejudices against the faith and moral character of the Catholics, and the scandal and oppression under which they labour in this kingdom. We therefore refuse to submit to the above requisition, and we give your Lordships notice, that we shall appeal from it to all the Catholic Churches in the universe, and

especially to the first of Catholic Churches, the Apostolical See, rightly informed."

Signed by

CHA. BERINGTON, STOURTON,
JOS. WILKS, PETRE,
H. C. ENGLEFIELD,
JOHN THROCKMORTON,
JOHN TOWNELEY,
THOMAS HORNYOLD.

Notwithstanding this declaration, we still request, your Lordships to say, whether, you will suggest any addition or qualifying explanation, which can be admitted consistently with the instrument of Protestation, signed by the Apostolic Vicars, more than two hundred of the Clergy, and almost every respectable Catholic in England, and we will exert our best endeavours in negociating the admission of such an addition or qualifying explanation.

Signed by

CHA. BERINGTON, STOURTON,
JOS. WILKS, PETRE,
H. C. ENGLEFIELD,
JOHN THROCKMORTON,
JOHN TOWNELEY,
THOMAS HORNYOLD.

The meeting broke up, the bishops having declined to withdraw their requisition. Dr. Douglass had previously demanded that both question (by Throckmorton) regarding the lawfulness of rebellion, and answer, should be thrown into the fire.

The meeting was followed up by the letter from the Committee to the three VV.A. from which we have quoted above account. It is a long document, and the tone is more uncompromising, emphatic, and

less respectful than previous documents. I subjoin some further salient passages :

> If the Oath contained an avowal of any point of doctrine or morals contrary to the belief of the Catholic Church, we should think it criminal in us, either to contend for its admissibility, in the present stage of the business, or to take it at a future time, if it should pass into a law. For, born and educated in the Catholic Church, we acknowledge ourselves bound by her decrees, and whatever is of faith, by the express word of Christ, or the tradition of His Church, we acknowledge it our duty to believe.
>
> In common with every Church, in communion with the See of Rome, we acknowledge the Supremacy of the Pope. This, in the printed case, delivered by us to the members of both Houses of Parliament, previously to any mention of our Bill in the House of Commons, we declared in the most explicit and unequivocal terms.
>
> . . . . .
>
> We have apprised your Lordships of every thing respecting the business, in its progress to its present stage. Your Lordships know, that, the Oath, when first altered from the Protestation, received the deliberate approbation of the late venerable Vicar of the London District ; and that, as it now stands, it received, on the 3rd of February 1790, the approbation of his most respectable brother, the Vicar Apostolic of the Middle District, in the presence of 19 Clergymen.
>
> Still your Lordships denounce it to be unlawful to take the Oath ; and you have publicly assumed to yourselves, to inhibit the flocks you are sent to govern from taking it ; "and from taking any new oath or signing any new declaration on doctrinal matters :—or subscribing any new

instrument, wherein the interests of religion are concerned," (are your Lordships aware of the monstrous latitude of that expression ?) " without the previous approbation of their respective Bishop."

My Lords, if Christ enjoins submission, He enjoins it when submission is reasonable :—and submission must ever be unreasonable, when it is not preceded by instruction and reason.—Following the precept of her Divine Master, the Church of God, in tender regard to the weakness of her children, has generally condescended to conciliate,—has always thought herself bound to instruct.—It is a rule with her, that the lowest of her children should know of what he is accused, before he is judged ; and be permitted to defend himself, before he is condemned.

. . . . .

Thus, my Lords, in our regard, no preliminaries, either of form or of right, were attended to. No measure of conciliation was used,—no instruction was vouchsafed.—In which of the articles of the Oath, the error, attributed to it, lay, was not pointed out to us ; we were not permitted to explain it ;—no opportunity was given us to defend our conduct.—Is it possible to suppose your heavenly Master inspired a conduct so opposite to His own spirit, of prudence, meekness, conciliation and justice ; or that your Lordships spoke the language of the Church, when you acted in a manner so little conformable to its practice ?

My Lords, this is not all.—The same anathema, which is denounced, in the Scripture, against those who take from the word of God, is denounced against those who add to it.—We know the Gospel enjoins us to submit to the dogmatical decisions of the Church ; we also know the Gospel does not

oblige us to admit as faith the bare assertions of three only of its Ministers.

. . . . .

Thus wandering from your proper direction, we are not surprised at your errors. We see without surprise, but with much real concern, that you are quite mistaken in your notions and statements of the principles of the Bill, and of our conduct respecting it ;—that you sign the Protestation one day, retract it the next ;—formally disapprove of provisoes in the intended Act, and forget that more exceptionable provisoes were inserted in the Act passed for relief of the Irish Catholics, in 1778.

There follow a series of arguments drawn from Church history, and references to the particular history of Catholics in England.

The question of Papal Infallibility is raised and discussed :

As to acknowledging no infallibility in the Pope, is it not expressly said, in the Catholic Principles, that this is no tenet of our faith ? but if no tenet of our faith, and we do not even believe it as an opinion, why should we be restrained from declaring, that we do not acknowledge it ? especially, as it is the controul of this principle, which, above all other considerations, excites the diffidence of our protestant fellow subjects.

They conclude with the following emphatic paragraphs :

YOUR LORDSHIPS HAVING BROUGHT MATTERS TO THIS POINT :

Convinced, that we have not been misled by our clergy ;—convinced, that we have not departed from the principles of our ancestors ;—convinced,

that we have not violated any article of Catholic faith or communion ;—WE, the Catholic Committee, whose names are here under written, for ourselves, and for those in whose trusts we have acted, do hereby, before God, solemnly protest, and call upon God to witness our protest, against your Lordships' Encyclical Letters of the 19th day of October 1789 and the 21st day of January last, and every clause, article, determination, matter, and thing therein respectively contained : as imprudent, arbitrary and unjust ; as a total misrepresentation of the nature of the Bills to which they respectively refer, and the Oaths therein respectively contained ; and our conduct relating thereto respectively ;—as encroaching on our natural, civil and religious rights, inculcating principles hostile to society and government, and the constitution and laws of the British empire : as derogatory from the allegiance we owe to the state, and the settlement of the crown : and as tending to continue, encrease and confirm the prejudices against the faith and moral character of the Catholics and the scandal and oppression under which they labour in this kingdom. In the same manner we do hereby solemnly protest, and call upon God to witness, this our solemn protest, against all proceedings had, or hereafter to be had, in consequence of, or grounded upon, your Lordships' said Encyclical Letters, or either of them, or any representation of the Bills or Oaths therein respectively referred to, given or to be given by your Lordships or any of you.

And, from your Lordships' said Encyclical Letters, and all proceedings, had or hereafter to be had, in consequence of, or grounded upon, the same, or either of them, or in consequence of, or grounded upon, any representations of the said Bills, or Oaths or either of them, given or to be

given by your Lordships, or any of you ; we do hereby appeal, and call on God to witness our appeal, for the purity and integrity of our religious principles, to all the Catholic Churches in the universe, and especially to the first Catholic Church, the Apostolical See, rightly informed.

CHARLES BERINGTON STOURTON
JOS. WILKS. PETRE
HENRY CHARLES ENGLEFIELD
JOHN LAWSON
JOHN THROCKMORTON
WILLIAM FERMOR
JOHN TOWNELEY
THOMAS HORNYOLD.

It was thought that Mr. Wilks, priest and Benedictine, was author of the above letter. However this may have been, he was the one member of the Committee, as Dr. Ward remarks,[1] on whom the full weight of ecclesiastical censure could fall, " though he had done neither more nor less than the other members of the Committee." On February 19, 1791, he was suspended by Dr. Walmesley. He declared his readiness to submit in all that concerned his pastoral work, but claimed that, as a member of the Committee, he was responsible only to those for whom he acted.

The Committee rightly felt themselves in honour bound to defend him ; and the case remained over as a *casus belli* in future proceedings for long after.

[1] *Op. cit.* i. 260.

CHAPTER XVII

The Relief Bill of 1791

The Relief Bill was first introduced to the House of Commons by Mr. Mitford on February 21, 1791 ; it was entitled " A Bill to relieve, upon conditions and under restrictions, persons called Protesting Catholic Dissenters from certain penalties and disabilities to which Papists, or persons professing the Popish religion, are subject."

It was pointed out that the Bill, by reason of a certain standing order, would have to be referred to a Committee of the whole House, nevertheless a few speeches were made on this occasion. It should be noted that Fox referred to the description of Catholics, as given in the Bill, and declared that relief should be extended to all Catholics, without exception.[1]

This was the first public hint that the disputes in the Catholic Body had been made known to their Protestant friends and supporters.

On February 18, 1791, Mr. Thomas Weld had written to Mr. Pitt to expose these divergencies. In his letter he first repudiates the Catholic Committee ; he next asserts that the Oath was disapproved of by " the heads of our clergy," and that it was " at the request of our Bishops " that he writes.

He, of course, commits a grave omission by not mentioning the fact that the Bishops were not

[1] For a more detailed history of this and the following debates I would refer my readers to Dr. Ward, *op. cit.* vol. i. chapter xiv.

unanimous. He concludes by asking Mr. Pitt *to drop* the proposed measure of Relief, unless it could be altered.[1]

He followed up this letter by a personal interview with Mr. Pitt, in which he went so far as to suggest that there should be two bills, one for protesting, and one for non-protesting, Catholics.[2]

This was, in truth, to pave the way for that schism with which the Catholic Committee had been so unjustly charged. They had, indeed, made a mistake in even suggesting that there might be a slender and negligible section of English Catholics not willing to give those assurances which would procure them the promised relief; they had uttered such an opinion unwisely, but they had uttered it rather to clear the whole body of unjust imputations than to actually produce such a division; and it was not those who simply dissented from certain clauses of the Bill or the Oath whom they thus abandoned, but those who definitely advocated such anti-civil sentiments as they themselves repudiated.

But here we have a most definite attempt to sunder the Catholics of England into two bodies, along with a condemnation, at the Protestant bar, of Catholics who were expending every effort in order to obtain, not only the restoration of their civil rights, but the greater boon of freedom in the exercise of their religion.

John Milner was the great clerical protagonist of the same cause. On February 24 he hurried up from Winchester, composing a pamphlet on his journey. It was entitled "Facts relating to the present contests among the Roman Catholics of this Kingdom, concerning the Bill to be introduced into Parliament for their Relief," and he proceeded to circulate it in the House of Commons.

This action of Milner has been much lauded, and

[1] *Op. cit.* i. 266–7. [2] *Op. cit.* i. 268.

he himself gives a very full account of it in his "Supplementary Memoirs." The following are some salient passages from the pamphlet.[1]

After referring to the censures of the Oath in its first form, as issued by the VV.A. he remarks: "It is true, one slight alteration has been adopted in the Oath since it was first censured" (but he does not allude to the consequent withdrawal of censure by Dr. Thomas Talbot).

He then proceeds to state:

> The Leading Questions in debate concerning the proposed Oath between the Gentlemen *of what is called*[2] the Roman Catholic Committee on one hand and the majority of the Roman Catholics who adhere to the decision of their bishops on the other.

We may note here the very reckless assertion of the writer as regards "the majority," therein referred to; and also the wrong and unjustifiable use of the words I have italicized.

He then proceeds to the questions in detail:

> 1. The first question in debate is concerning the adoption of the new assumed title of Protesting Catholic Dissenters, instead of the name which persons of that Communion have always assumed of *Catholics* or of *Roman Catholics*.

Now this paragraph bristles with inaccuracies, but just such inaccuracies as easily escape observation.

First and foremost, the writer professed to be discussing the *Oath*; but the term to which he refers never had any place in the Oath; it was a legal description of Catholics in the proposed Bill of Relief; it had been substituted for the term *Papist*, which has always been disliked by even the most ultramontane Catholics; and the Oath might have

[1] It can be found, most easily, in Milner's *Supplementary Memoirs of English Catholics*, wherein it constitutes Appendix D.

[2] Own italics.

been taken, at any time, by a person totally ignorant of this legal description, just as numbers of us are ignorant of the legal categories under which we are classified.

Furthermore, his use of the word *adoption* is wrong and misleading; suggesting, as it does, that the term in question was the choice of the Catholic Body.

It may be remarked, in this connection, that the ancient pamphlet entitled "Exposition of Roman Catholic Principles," etc., was, in spite of its title, the document first *adopted* by the Catholic Committee, before the issue of the Protestation.

> 2. The next question in debate is concerning the theological qualification of *heretical*, not as applied to the king-killing, but merely to the deposing doctrine, which latter, however false, pernicious, seditious, and traitorous, does not fall within the definition of heresy as received in the Roman Catholic Church.

He then discusses the views of the Catholic Committee on this point; and from his words here, as well as from the text of the proposed Oath of the VV.A. which he circulated in the House a few days later, we see that he did not object to the term *heretical* as applied to the doctrine that excommunicated Princes might be murdered, but that he did object to it as applied to the doctrine that they might be deposed.

It would seem, then, that it was the deposing doctrine which was to be safeguarded from such a definition; and this might, in part, explain the condemnation of the Oath of James I.

One rather wonders that a theologian, such as Milner, did not maintain the more radical objection that the term "heretical" was a theological one, and unsuited to any kind of civil oath; and the "Gentlemen of the Committee" were perhaps shrewder than

Milner when they asserted that such an epithet was "the last that would have occurred to them."

3. The third question turns on the meaning of that passage in the Oath in which it is denied that any Church, Prelate, etc., has any jurisdiction whatsoever that can even indirectly interfere with the laws, etc. of the Kingdom; namely, whether or no the person who swears to this clause abjures the spiritual authority of his Church and Pastors, as merely confined to conscientious matters, there being several laws even against this modified admission of the authority of the Roman Catholic Church.

He maintains that some laws of the land do interfere with the conscience of the subject, and sets aside the testimony of the Committee that nothing but the use of temporal force by a spiritual power is here intended.

4. He treats of dispensation from oaths; objects to the expression that "no power on earth" "can dispense with or absolve a Christian from the obligation of any Oath," etc.; and raises the very perverse objection that the Church has the right to absolve from oaths in religious matters, such as the performing of certain devotions, etc.

The Committee had rightly defined such "oaths" as *vows*, or promises to God, and surely the Legislature could not possibly have misled, or been misled, on such a point.

He ends up in a paragraph, of which the most regrettable words are these:

> Abandoned as the majority of Roman Catholics are by those Gentlemen who professed to serve them—taken by surprise as they now are on the present occasion, etc., etc.
>
> Winchester, February 24th, 1791.

This was, surely, a glaring instance of "hitting below the belt"; and it forced the Committee to a reply, which they made later on.

And meanwhile English statesmen implored their Catholic friends to abstain from such manifestations of disunion.

In consequence of these representations Bishops Douglass and Gibson (not Dr. Walmesley) invited the Committee to meet them once more, and co-operate with them for the substitution of one of the Oaths of 1778 or 1774 in place of the new one; or, if this measure should fail, they proposed an Oath of their own.

The Committee met them with promptitude and alacrity, and agreed to their propositions. Unfortunately, however, the two VV.A. were not, eventually, satisfied with their own suggestions, and sent up further amendments. But the patience of their Protestant supporters was, by now, exhausted, and Mr. Mitford refused to accept any change at all in the proposed Oath and wrote very strongly to Dr. Douglass on the subject.

On March 1 the Bill was formally introduced, and its introduction passed without a division. Fox moved an amendment in accordance with his previous protest, but withdrew it when Pitt insisted that it would imply the withdrawal of the Bill, which was, of course, open to future amendments.

Milner was not satisfied, and he prepared and circulated another handbill, entitled "Certain Considerations on behalf of the Roman Catholics who have conscientious objections to changing their name, and to the form of words in which certain passages appear in the Oath contained in Mr. Mitford's Bill," etc., and he signed himself as acting on behalf of the Chief Roman Catholic Ecclesiastics. But he himself admitted that he had received this authority from the Bishops *after*, and not *before*, the

circulation of his handbill. It was, therefore, at the time when he circulated it, a totally unjustified description. The Committee were, of course, indignant. They wrote a letter of remonstrance, first to Dr. Douglass, and then to Milner himself; the former was signed by members of the Committee, the latter, very wisely, by laymen and priests not of the Committee.

Milner, in his after account, is careful not to cite these signatures, but Dr. Ward has given them to us from the Oscott archives.[1]

On March 31, 1791, the Committee issued their counter Statement of Facts, and followed Milner's evil precedent of circulating it in the House for the edification of our Protestant legislators.

It runs as follows:

STATE OF FACTS BY THE COMMITTEE OF ENGLISH CATHOLICS RESPECTING THE OATH CONTAINED IN THE BILL FOR THEIR RELIEF NOW BEFORE THE HON. HOUSE of COMMONS—1791.

In the Name of the *CATHOLICS* of *ENGLAND*.

An Idea having been thrown out, that the Bill introduced into the Honourable House of Commons will not extend Relief to the whole Body, but only to a minor Part of the English Catholics,—WE THE UNDERSIGNED beg LEAVE to represent,—

FIRST,—That, at a General Meeting of the Catholics, held on the 3rd of May 1787, A Committee of Noblemen and Gentlemen was appointed to watch over and promote the public Interest of the English Roman Catholics:

SECONDLY,—That, at a General Meeting held on the 15th of May 1788, the Committee was

[1] *Op. cit.* i. 276.

directed to make an Application to Parliament for the Relief of the English Catholics early in the next Session of Parliament :

THIRDLY,—That in 1789, An Instrument of Protestation was presented to the Committee, the Object of which was to remove Suspicions and Prejudices, and convince both the Legislature and the Public, that English Catholics hold no Principles hostile to Civil or Political Freedom :

FOURTHLY,—That this Instrument was signed by the Clergy and Laity among the Catholics. It was not deemed necessary to collect the Signature of every Individual ; it was thought enough to collect a sufficient Number of Signatures to prove that the Instrument contained the Sentiments of the Body. Accordingly it was signed by Two Hundred and Forty Clergymen,—and the whole Number in the Kingdom is not supposed to exceed Two Hundred and Sixty,—by every Peer, and, with few Exceptions indeed, by every Catholic Gentleman of Rank, Fortune, or Respectability,—This will appear by a Glance over the Names of the Subscribers to the Protestation.

FIFTHLY,—That the Oath inserted in the Bill, concerning which Scruples are now said to be raised, contains no more than the Protestation, except the common Profession of Allegiance to his Majesty and his Successors. To this no loyal Englishman objects ; And this the Catholics had equivalently sworn to, in the Oath prescribed in the Act passed for their Relief in 1778 :

On what Grounds, then, are these Scruples brought forward ? Two Persons only—(they are the Two whose names are marked with an asterisk in the printed Protestation)—who had subscribed the Protestation, have expressed a desire to have their Names withdrawn. The Protestation, therefore, continues, and ever will

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continue, to be the Pledge of the Sincerity of English Catholics.

IN a Publication, called " Facts relating to the present Contest amongst the Roman Catholics of this Kingdom, concerning the Bill to be introduced into Parliament for their Relief," signed JOHN MILNER, it is asserted, that the Gentlemen of the Committee had abandoned the Majority of the Roman Catholics, and taken them by Surprise. But the Committee have uniformly acted by the Instructions, and have uniformly received the Thanks and Support of their Body. In this Paper John Milner assumes to act in the Names of Thousands ; but, when called upon to specify the Names of these Persons in whose Trust he acted, he could only produce Three names,[1] and confessed he had obtained the Appointment of those Three Persons after the Publication of this Paper. Of those Three Names Two had been signed to the Protestation, and we have never heard that those Three Persons were ever chosen by the Catholic Body, or any portion of the Catholic Body, to transact Business in their Names. No Meeting was ever called for that Purpose : and although Attempts have been made by them to procure a Counter-Protestation, never could they obtain any one respectable Name to it.

The Bill is now before the Wisdom and Humanity of the House ; and the Catholic Committee beg Leave to represent in their own Names and in the Names of them in whose Trusts they have acted, that they never will recede from the INSTRUMENT of PROTESTATION. Anxious as they are that every Individual of their Persuasion should be admitted to Relief, yet they cannot

[1] These " three persons " were the VV.A. of North, West, and London districts—it must be admitted that the description of them is somewhat curt and informal.

depart from this SOLEMN PLEDGE OF THE INTEGRITY OF THEIR BODY.

It remains with the Wisdom and Condescension of Parliament to determine, whether it will accommodate itself to the Scruples of a few Individuals, —The Committee, and those in whose Trusts they have acted, will deem themselves for ever bound by the Protestation, and will repeat it as often as called upon.

CHARLES BERINGTON.
JOSEPH WILKS.
STOURTON.
PETRE.
HENRY CHA. ENGLEFIELD.
JOHN LAWSON.
JNO. THROCKMORTON.
WM. FERMOR.
JOHN TOWNELEY.
THOS. HORNYOLD.

March 31, 1791.

Happily for the future of the Bill, and for the cause of peace, Milner now retired, and the Bill passed into its Committee stage. An important amendment was moved by Mr. Mitford, *at the wish of the Catholic Committee*, which was that the offending title of Protesting Catholic Dissenters should be changed for that of "persons professing the Roman Catholic religion." This measure was, of course, adopted by the Committee in deference to the wishes of the three VV.A., for they themselves had not regarded the term as objectionable, but as a purely legal description.

Some amendments were likewise made in the Oath ; and these amendments satisfied Dr. Douglass, so that only two of the bishops were now opposed to the Bill as it stood.

It would have been possible, therefore, for the Bill to pass through the House of Lords without any further public manifestation of Catholic dissensions,

but the opposing party was still dissatisfied, and, curiously enough, they now carried their appeal and plea for support to the bishops of the Church of England ; Milner wrote to the Bishops of Hereford and Salisbury, and Dr. Walmesley to the Archbishop of Canterbury. He appealed to the latter to support the cause of ecclesiastical authority, and " vindicate the rights of Episcopacy."

(Dr. Walmesley can, surely, not have been of those who disbelieved in the Validity of Anglican Orders.)

In the end our old friend—Lord Petre's adversary —Dr. Horsley, at the request of Dr. Douglass, took up the question of the Oath, and, at long last, the new one was almost entirely suppressed in favour of the old Irish oath of 1774, into which, however, the term of " Roman Catholic religion " was introduced, and to which, furthermore, a clause was added by which the person taking the oath promised to maintain the Protestant Succession :

> I promise . . . to maintain, etc. the Succession of the Crown which Succession by an Act, etc. . . . stands limited to the Princess Sophia . . . and the Heirs of her Body, being Protestants.

This clause raised fresh difficulties, but this time Dr. Douglass placed himself on the side of the Committee ; and the others, though they never waived their objection to the clause, eventually accepted the Oath in which it stood.

Later on the Committee made the following statement in regard to this episode :

> Of all the difficulties maintained by the three Apostolical Vicars this was the last they could prevail upon themselves to resign, though the right of fixing the succession to the Imperial Crown of Great Britain cannot, most assuredly, be an object of their ecclesiastical competency.

To the completion of our late fortunate business, they constantly represented this difficulty as insuperable.

This they carried so far, that, when the Bill was in the House of Lords, the Bishop of St. Davids moved, that the Irish Oath should be substituted in lieu of that adopted in the House of Commons. But Earl Guildford proposed, that an express recognition of the Act of Succession to the Crown in the heirs of the body of the Princess Sophia, being Protestants, (using the terms of the Act of Settlement,) should be inserted. To this the Bishop of St. Davids, in conformity with the wishes of the three Apostolical Vicars, objected.

Earl Guildford however moved, that the words in question should stand part of the Oath, and his motion was carried.

Here then was an anxious moment for your Committee,—a critical moment for the English Catholics. On one hand it was uncertain whether the Minister in the House of Commons would not oppose the admission of the Irish Oath, to the substitution of which he had more than once positively objected; on the other, although the Irish Oath should be admitted in the House of Commons, it was uncertain whether the Apostolical Vicars would ever abandon their insuperable difficulty.—In one case there were apprehensions of your Bill being lost; in the other there were apprehensions of a lasting dissension between the Apostolical Vicars and the body of English Catholics.

The Bill passed and was sanctioned; but the perplexing uncertainty about the insuperable difficulty of the Apostolical Vicars still continued.

Even at the General Meeting held on the 9th of June last, when Bishop Douglass condescended to say, that he had no objection to the form of the

Oath now prescribed by Parliament, there was no person in the assembly who could take upon him to make a similar declaration of the sentiments of Bishop Walmesley and Bishop Gibson. We are rejoiced to learn that they have since overcome their scruples.

The following is the final text of the Oath of 1791:

I, A. B., do hereby declare that I do profess the Roman Catholic religion.

I, A. B., do sincerely promise and swear That I will be faithful and bear true allegiance to His Majesty King George the Third, and Him will defend to the utmost of my power against all conspiracies and attempts whatever that shall be made against His person, crown or dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support and defend to the utmost of my power, the succession of the Crown; which succession by an Act intituled "An Act for the further limitation of the Crown, and better securing the rights and liberties of the Subject" is and stands limited to the Princess Sophia Electress and Duchess Dowager of Hanover and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of these realms: And I do swear that I do reject and detest, as an unchristian and impious position that it is lawful to murder or destroy any Person or persons whatsoever for or under pretence of their being Hereticks or Infidels; and also that unchristian and impious principle that faith is not to be kept with Hereticks or Infidels: And I further

declare that it is not an article of my Faith, and that I do renounce and abjure the opinion that Princes excommunicated by the Pope and Council, or any Authority of the See of Rome, or by any Authority whatsoever, may be deposed or murdered by their subjects or by any person whatsoever: And I do promise that I will not hold, maintain or abet any such opinion, or any other opinion contrary to what is expressed in this Declaration: And I do declare that I do not believe that the Pope of Rome, or any other Foreign Prince, Prelate, State, or Potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence directly or indirectly within this Realm: And I do solemnly, in the Presence of God, profess, testify and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this Oath, without any evasion, equivocation, or mental reservation whatever; and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatever; and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope or any other person or authority whatsoever shall dispense with or annul the same, or declare that it was null or void.

So help me God.

The Bill was then returned to the House of Commons, and became law on June 10, 1791.

The Relief granted to the Catholics by this Bill may again be classed under two categories in so far as it regarded the free exercise of religion or the removal of civil disabilities.[1]

[1] See a pamphlet by Charles Butler, dedicated to the ninth Lord Petre, entitled *Historical Account of the Laws respecting Roman Catholics*, etc., 1794.

As regards the former category :

1. Mass could now be openly celebrated in a registered chapel—also in a private house, provided, in the latter case, not more than five persons from outside were admitted.
2. Catholics were allowed to teach, and a measure of toleration was extended to Catholic schools.
3. Catholics could no longer be summoned to take the oath of William III or George I, or the declaration against transubstantiation of Charles II.

Thus the Catholic religion, with certain limited restrictions, obtained once more the right of existence in a land where it had once reigned supreme.

As regards the second category :

1. The legal profession was thrown open to Catholics. (Charles Butler, amongst others, was called to the Bar.)
2. The prohibition of coming to Westminster was withdrawn.
3. Catholic Peers were allowed to come into the presence of the King.
4. Wills and deeds had not to be enrolled.
5. The double land-tax was removed.

Such were the chief clauses of the Relief Bill; and with it the old and opprobrious term of Papist was suppressed, and that of Roman Catholic took its place.

The civil and legal relief afforded by this Bill was valuable and important, but its religious clauses were of still greater and more vital import. A good many civil disabilities yet remained, as for instance :

1. A Catholic could not sit in Parliament without taking the oaths of allegiance and supremacy and making the declaration against Popery.
2. A Catholic could not, in security, vote at a Parliamentary election, for it was in the

power of a hostile candidate to tender to him these oaths.

3. He was still unable to serve on councils or in the Army.
4. Catholics were still subjected to much injustice in the administration of public institutions, such as orphanages, hospitals, etc., and by the Marriage Act.
5. Soldiers and sailors were penalised for not attending the English Service. Etc.

It will be seen, from the above summary, that the Catholic Committee had secured, for their body, even greater advantages in the purely religious than in the civil order, and that a man like Lord Petre, with his fellow peers, was still deprived of that political status he so earnestly desired.

One further important result of the Relief Bill must be mentioned, and this was that the Catholic religion no longer depended, in such a degree as it had done, on the protection of the leading members of the laity ; churches could now be built, and divine service openly held in them.

It is, to my mind, a matter of profound satisfaction that Catholic peers and gentlemen so gladly yielded their power and responsibility in this matter, and opened their purses as readily to make religion independent of them as they had done to support it when it needed their protection.

The subject of this memoir may be specially mentioned in the matter. Dr. Ward quotes a letter from him to Bishop Sharrock, coadjutor of his own bitter opponent Dr. Walmesley, *re* the building of a chapel at Monmouth. He writes :

> The collecting of the Catholics into towns in place of straggling missions has always been a measure much recommended by me. On these, now legal establishments, the Catholic religion

must ultimately depend. The middling classes will find themselves more independent . . . I shall therefore willingly subscribe, etc.[1]

In their letter of April 1792 the Committee thus summarise the victory and the gains :

> Thus since the year 1778 a new order of things is opened to the Catholics of England ; they have recovered the good opinion and confidence of their countrymen ; in matters of religion, they are indulged in a conscientious dissent from the legal establishment, and may worship their God according to the mode which their faith ordains ; in civil and political concerns, they form no separate combination, but may freely incorporate with their fellow subjects for the public good : no longer aliens in their native land, they may now behold the general prosperity without envy or depression of spirits : their property is secure, and no longer held on the precarious and humiliating tenure of sufferance or connivance : they have the sanction of law to transmit it to their offspring : they may impart to their children the blessings of education : they are no longer looked upon as a degraded faction, who harbour principles hostile to the laws and liberties of their country :—IN A WORD, THEY ARE ENGLISHMEN, SUBJECTS, AND CITIZENS, AND SUCH THEY ARE ACKNOWLEDGED BY THE KING, THE NATION, AND THE LAW.

With a few observations we may conclude this chapter.

First, let it be remembered that it was through the Catholic Committee that the question of Catholic relief had been brought forward, had been forced on the attention of the Government, and had been pressed to its conclusion amidst criticism and opposition from friends as well as enemies.

[1] *Op. cit.* i. 305.

It was Charles Butler, as secretary for the Committee, who originally drafted the Bill.

These very plain facts have been obscured by the history which Milner left behind him, which was popularised by Fr. Amherst, and which held the stage, so far as Catholics in general were concerned, until the appearance of Dr. Ward's work.

The Catholic Committee never failed to meet the wishes of the bishops when those wishes did not run counter to their conscientious convictions, nor demand of them such action as would prove them disloyal to the given word.

Why, then, did they not accept the *mot d'ordre* of the three VV.A., or of the two, when Dr. Douglass had withdrawn his opposition ?

1. Because the bishops, themselves, and the clergy were divided.
2. Because the bishops wavered in their own action, and altered their objections and decisions.
3. Because the Committee were determined to adhere to the Protestation, whereas the bishops were anxious to evade the consequences of their past adherence to this document.
4. Because the objections to the oath were grounded on dislike of the Protestation.
5. Because they knew the character of some of their chief opponents, men such as Milner or Plowden, and were not disposed to yield to abuse and calumny.

It was fortunate, indeed, for the Catholic cause that their friends in power did not take advantage of their dissensions, and that thus, at last, the Catholic opponents of the Committee were able to take advantage of the relief which the Committee had won for them.

CHAPTER XVIII

The Meeting at the Crown and Anchor Tavern, 1791

We have now to follow the subject of this memoir, along with his fellow workers, through the events and controversies which succeeded the passing of the Bill of Relief.

A general meeting of the Catholics of England took place on June 9, 1791, at the Crown and Anchor Tavern in the Strand.[1] At the beginning of the proceedings Lord Petre occupied the Chair, and at his suggestion the following resolution was proposed :

> That, as the oath contained in the bill for the relief of English Catholics, is not expressed in the words of the protestation, the English Catholics take this occasion to repeat their adherence to the protestation as an explicit declaration of their civil and social principles, and direct the committee to use their endeavours to have it deposited in the Museum, or some other proper place of public institution, that it may be preserved there, as a lasting memorial of their political and moral integrity.

To this resolution the parties of the Northern and Western VV.A. and Dr. Douglass were opposed, but it was carried by a majority of 104 to 72 ; in the

[1] For names of those present, see in British Museum Add. MS. 5416 B.9.

majority were numbered the names of twenty-one clergymen and eighty-three laymen ; in the minority, which contained a much larger proportion of Irish names than the majority, were the names of thirty priests and forty-two laymen.

A discussion then arose in regard to the Oath, and Mr. Webbe Weston asked Dr. Douglass if he approved of it in its actual form, as incorporated in the Bill. To this question Dr. Douglass replied that " he did not object to it, and that he himself should take it."

In regard to Dr. Walmesley, Mr. Coombe, his representative, said that he could not say the former approved of it, but that he would not censure those who took it.

On the printed copy of Minutes, as preserved in the British Museum, Charles Butler has put a note in his own handwriting, dated June 24, 1791, stating that " Mr. Douglass received a letter this morning from Mr. Walmesley and Mr. Gibson, informing him that ' they acquiesced to the oath.' "

(Until that date the Committee were in ignorance as to whether these two bishops would admit the Oath as lawful, their objections being grounded on the clause regarding the Protestant Succession ; a clause which has been carefully preserved in the latest Bill of Catholic Relief, that of 1926.)

Lord Petre then moved the following resolution :

> That the Chairman of this Committee be directed to present the thanks of this meeting, in the name of the English Catholics, to Mr. Mitford for his kind, able and unremitted exertions, in bringing in and conducting . . . the Act, etc.
>
> *Idem* to Rt. Hon. William Wyndham for seconding and supporting the same.
>
> *Idem* to Rt. Hon. Lord Rawdon for his able and constant support in the House of Lords.

The resolution was unanimously adopted. Lord Petre then left the Chair and Mr. Thomas Clifford was invited to take it.

The Hon. Mr. Dormer then moved and Mr. Henry Errington seconded the following resolution :

> That the thanks of this Meeting, in the name of the Catholics of England, be given to the Noblemen and Gentlemen of the Catholic Committee for their attentive, judicious and unremitting conduct whereby the Bill, etc., has been brought to so fortunate an issue.

On this Dr. Barnard moved and John Milner seconded an " amendment " that special thanks should be included in this resolution to the Vicars-Apostolic.

In the Minutes it is stated that : " The original motion was carried without the amendment."

Milner, in his account of this proceeding, claims that the right order demanded that the amendment should be put before the resolution, and this is, of course, the correct procedure.

According to Milner's account, a great clamour arose, and the meeting refused to have anything to do with the amendment, which was, therefore, not put forward.

Let it be noted that Lord Petre had then vacated the Chair and that the Committee themselves were not then directing the proceedings. And it must be owned that there was some excuse for a display of temper, considering that such an amendment would have amounted to a withdrawal of the proposed resolution, since it would have implied nothing less than a vote of thanks to the very men who had done all in their power to defeat the efforts of the Committee.

Mr. Archer then moved and Mr. John Webbe Weston seconded a resolution that :

> Thanks . . . be given to the Right Rev. Dr. Douglass for his having given his assent (in) the above public manner to the Oath in its present form ; and for his zeal, activity and affectionate exertions for the service of the Catholic Cause.

This resolution being passed, Mr. Douglass returned thanks.

Then Mr. Joseph Berington came forward with a letter from clergymen in Stafford, addressed to the Committee.

In this letter, the clergy named first refer to the success of the Committee in the task entrusted to them, and say that they cannot let the occasion pass by in silence :

> We have [they say] before praised your firmness, your moderation, and your manly perseverance. . . . Who will charge us with adulation when we speak the honest language of truth ? . . . Yes, the general good-will manifested towards us in both Houses of Parliament, was generated, in a great measure, we conceive, by your representation of our conduct and principles ; and the further emancipation we have obtained . . . we attribute to you. Accept our grateful thanks—

But, they go on to say, more remains to be done, and, when the time shall come, " It will be on you we shall call" ; while, till then, " let us request you will watch the running series of events."

They then proceed to bring forward the question of the suspension of Mr. Wilks—which, as we already know, ensued on the issue of the Committee's Protest and Appeal.

" There is one event," they say, " which has given us real pain." They recall the fact that Wilks " in a public meeting was chosen a member of your Committee " : they had henceforth regarded

him as "in a special manner the Delegate of the Clergy."

They beg leave "to recommend his case to the General Meeting now assembled," asking them to use their best and most prudent endeavours for his reinstatement. Should such endeavours fail they are determined "to make his cause their own," and they hope for the co-operation of all the Clergy of England to such an end.

This letter was signed May 2, 1791.

In regard to its presentation Dr. Ward quotes the remark of Milner that "never was there an ecclesiastical proceeding more irregular and disedifying," but adds his own comments thereto, maintaining that such a judgment "seems a little hard," and that if these priests thought Wilks "had been hardly used, they were justified in espousing his cause," etc.[1] And, indeed, we shall see, in a future chapter, that Milner was not slow in the art of defence, even against ecclesiastical dignitaries, when his own honour and safety were concerned.

Mr. Joseph Berington asked that, in furtherance of this letter, certain documents should be read; they were four in number:

1. That of the appointment of Wilks to the Committee.
2. Dr. Walmesley's letter.
3. His own answer.
4. The appeal of the Catholics of Bath to Dr. Walmesley for his reinstatement.

(Fr. Wilks was a Benedictine, and had the care of the Catholic Mission at Bath.)

Dr. Walmesley's letter ran as follows:

BATH, *Feb. 19th*, 1791.

As you have evidently refused submission to the Ordinances of the Apostolic Vicars: if before

[1] *Op. cit.* i. 320–1.

or on Saturday next the 26th inst. you do not make to me a satisfactory submission I declare you suspended, etc.

The answer of Mr. Wilks to this communication was also read to the meeting. It will not be necessary to quote the entire text ; the main points were as follows :

Feb. 23rd, 1791.

1. He had never refused such submission, unless the bishop referred to the requisition to the Catholic Committee "not to proceed further . . . without the approbation of the bishops."

To such an order he, as simply a member of the Committee, could not make individual submission, and he therefore signed, along with the rest of the Committee, the motives of his refusal.

"In this transaction," he wrote, "I concurred, because I was vested with a public character. . . . We had received instructions, and we had always acted in conformity to them."

He points out that, in this action, they met with almost general approbation, including that of one V.A.

2. He had always obeyed the bishop in his missionary duties, and would never have taken an oath which the bishop condemned.

3. He bowed to the decree of suspension. Had he incurred it in consequence of having dishonoured his ecclesiastical character he would have felt grieved and debased ; but actually his only offence was to have fulfilled, "to the best of his judgment, the duties of a public trust."

The petition in his favour from the Catholics of Bath was likewise read—it counted forty or more signatures.

The conditions of his reinstatement were likewise quoted ; they were :

1. That he should express his regret at having acted in opposition to the (three) VV.A.

2. That he should withdraw his name from the Manifesto and Appeal of February 1790, and tell the Committee he had done so.

3. That he should promise never to act in the same way again.

After the reading of these documents Mr. Basil Fitzherbert moved and Mr. Henry Howard seconded the following resolution :

> That Mr. Wilks having been elected a member of the Catholic Committee, and having been suspended for his discharge of duties committed to him, Dr. Walmesley should be addressed from the meeting, *praying that their delegate* . . . be restored to the exercise of his priestly duties.

A petition was drawn up in this sense, concluding with the following words :

> this act of attention on the side of your Lordship to the earnest solicitation of the General Meeting will be gratefully acknowledged by them.

The resolution was passed *unanimously*.

Mr. Coombe, in reply to the question why Dr. Walmesley had acted thus, read words of the same as follows :

> Because Mr. Wilks has rebelled and protests against the divine established government of the Church by bishops and their authority—a crime not less than schism.

The appeal, unfortunately, met with no success, and we shall have to follow the Wilks case a little further in the next chapter.

After these proceedings Lord Petre was again voted into the Chair ; the accounts were submitted,

and a deficit of £1560 made up by a collection at the meeting—he himself contributing 100 guineas. A vote of thanks was passed to Charles Butler, and he was presented with the sum of £1000, with another £100 to his clerk.

Votes of thanks were likewise passed to Lord Petre and Mr. Thomas Clifford, and the meeting closed.

Mr. Charles Butler added a letter of his own, in despatching the minutes to those concerned; he apologised for any cases in which there had been omission or neglect.

Thus ended the last meeting of the Catholic Committee with their supporters. They had completed their mandate, but one or two further duties remained to be fulfilled.

CHAPTER XIX

Father Joseph Wilks, O.S.B.

There is a victim in most disputes—a scapegoat on whom the anathemas are concentrated. Mr. Wilks (as he would then have been described) was the victim on whom descended the consequences of Dr. Walmesley's wrath. Supposing the Committee had been in the wrong, he had not done worse than any of the others ; but he was more vulnerable than the rest. He, and in a lesser degree Dr. Berington, bore the burden of condemnation to which laymen were comparatively immune.

The case was not ended with the meeting above described—indeed it was not really ended until the death of the victim in 1829.

It would be too long a story to follow out all the vicissitudes of Fr. Wilks' later career ; it would not properly belong to this history ; and it would not be possible to give it truly and fairly without a special study of all the records in the case.

Yet the matter deserves consideration because of the special relation of Wilks to those with whom he had worked.

He felt himself bound in loyalty to the Committee, and the Committee felt themselves bound in loyalty to him—furthermore, it must be added that the Committee considered him as much bound in honour not to repudiate his responsibility for their collective action as they were bound to stand by him when he suffered for his firmness.

The whole sad business raised a very vital question, that, namely, of the right of a priest to accept of any public post or duty so long as the claims of his ecclesiastical superiors may run counter to his disinterested fulfilment of the obligations entailed by the acceptance of such a post.

In the eyes of the Committee, and of those who had elected him to it, he became, by such election, a public servant, the mandatory of those who had chosen him, the partner of those with whom he worked. He retained, of course, his obligations as a priest, but those obligations lay apart from his duties as a servant of the public. Nor had he any individual responsibility in regard to the decisions adopted by the Committee, such decisions being of a collective character.

It may, of course, be urged that if the Committee infringed ecclesiastical privileges or authority, a priest was more culpable than a layman for collaborating in such unlawful action.

This would, of course, be true; but this was, precisely, the question in point. The Committee persistently repudiated all intention of meddling in matters that were purely ecclesiastical in character; but they also, with equal firmness, maintained their right to defend the domain of civil and political life from every kind of ecclesiastical usurpation. And the ecclesiastics on the Committee—able and good priests—believed that the Committee was sound in its professions on this twofold question.

Thus Fr. Wilks found himself—and there is no reason to dispute the genuineness of his conviction—faced by the alternative of incurring the blame of his ecclesiastical superior, or behaving dishonourably in regard to his fellow workers. As he believed that the demand of his bishop was unjust and unjustifiable, he chose, though with varying resolution, the former alternative. To have chosen the latter

would have been, in his eyes and those of the Committee, an act of gross betrayal.

What the effect would have been, on the minds of the best of them, may be gauged by the following letter of Charles Butler to John Throckmorton, when a report had reached him of the submission of Fr. Wilks :

Sep. 17th, 1791.[1]

> Mr. Walmesley and Mr. Gibson regard it [he writes] as a total retractation of the Protestation. . . . It is the only really unpleasant thing that has happened to me since the business of the Committee was first set on foot. If he means it as a Retractation he should openly avow his intention. If not, he should explain publicly to the world what he really means.

Butler goes on to say how Mr. Aspinall left the Jesuits and his religion, yet "he to the last would have sacrificed his life for the good of his order"—"the same . . . are the feelings of all religious men." On another occasion he wrote : "I never shall forget your remarks to me. How very few of the clergy there were . . . who had firmness to stand out to the last."

But neither Butler not Throckmorton quite understood what they were asking of the victim in question ; nor did they comprehend the special difficulties to which a priest, in such case, is liable. His life and his usefulness, his spiritual and his earthly well-being are dependent on the will—we may almost say, in this case, on the prejudices and the caprice—of a superior. Mr. Wilks rightly endeavoured to save his own priestly existence ; yet he was, on the whole, true to the men with whom he had served the Catholic cause. They realised

[1] Coughton Court Archives.

this, in spite of temporary misgivings, and defended him to the last.

In their "Letter to the Catholics of England," of which more anon, they refer to the matter thus:

> . . . it is for a conscientious perseverance in the discharge of the trust reposed in him by you, that one of the Vicars Apostolic has by a series of censures, equally in violation of the civil rights of British subjects, and, as we are informed, in contempt of canonical discipline, driven from his situation one of the members of your Committee; and by a refusal to specify any charge against him, endeavoured to tinge his moral character, with that doubtful stain, which undefined charges must always in some degree leave on the purest reputation. With the ecclesiastical part of this business we have no concern; but we must call your most serious thoughts to the state of your inferior clergy, whose bread, and, what is of more consequence, whose fair fame, according to our present ecclesiastical government, may be thus taken from them without any means either of defence or redress. (April 21, 1791.)

The case is long and complicated, and further details may be read in Dr. Ward's history.[1] This much, however, may be added in this place: the fact, namely, that it was not only the Committee that pleaded his cause, but also, at one time, bishops and priests in no way identified with the Committee. One man alone could have ended the painful and disedifying dispute, by just one slight act of comprehension and generosity; by one slight exercise of that mercy without which we should all perish if God did not extend it to us at every hour of our existence. It was only necessary to believe what

[1] See *op. cit. passim.*

the man said, that he could not save himself without wronging others.

But Dr. Walmesley remained obdurate, and the case dragged out its course until most of those concerned with it, except the victim himself, were dead. He had, one is glad to think, friends unfailing in their loyalty, in the persons of Sir John Throckmorton and others. He remained, however, the obscure sufferer, helpless and vulnerable, of those forces from which others could defend themselves in virtue of their rank or their influence.

CHAPTER XX

The Last Resting Place of the Protestation

De mortuis nil nisi bonum—but this was not Milner's view in regard to the Protestation. It had served its end—it had been bitterly attacked, and vigorously defended. It was now to pass to its place of rest, where, so long as England lasts, it also will remain, as the record of a great battle and a testimony of Catholic loyalty to their Church and to their country.

One cannot handle the document, as it is preserved in the Manuscript-room of the British Museum,[1] without a certain emotion. One unrolls skin after skin of parchment, on which our Catholic ancestors and our bishops and priests of that day have set their names. Now and again there come a few of the humbler signatures, in one handwriting, set out on their behalf by a friend or leader. The first sheet has the names of the laity on the left, and those of the clergy on the right; first amongst the former, Shrewsbury, Stourton, Petre; first amongst the latter Right Rev. James Talbot, Right Rev. Charles Berington, Dr. James Barnard.

On the last sheet, I think, is the name of John Milner—and I leave to others the interpretation or explanation of the curious fact that there is a faint line through this signature, and a blotted appearance; almost as though the name had been partially expunged.

[1] Add. MS. 5416A.

On the second sheet stand, *inter alia*, the name of Dr. Thomas Talbot and that of Dr. Walmesley. I do not know, for the rest, if any Catholic name of distinction be missing, save, perhaps, one or two of families not at that time quite staunch to their faith. However, I do not wish to make a positive assertion on this point.

On one sheet it is stated that about 500 Catholics, at Norwich, would willingly have signed, but that it was not thought necessary to append more than a group of representative signatures.

. . . . .

To return, now, to the resolution passed at the meeting of the Crown and Anchor Tavern. In pursuance of that resolution Charles Butler wrote to Dr. Morton, of the British Museum, as follows :

> Mr. Butler, the Secretary to the Catholic Committee, presents his respects to Dr. Morton and by the desire of the Committee takes the liberty to acquaint him that the English Catholics have signed an Instrument of Protestation, by which they disclaim and express their abhorrence of certain doctrines imputed to them.

He then cites the resolution, and requests that " Dr. Morton will permit him to wait upon him."

LINCOLN'S INN,
Dec. 29th, 1791.

The document was duly handed to Dr. Morton on December 30, 1791, and his official receipt is preserved along with it.

The following note—on the last skin of the document—was appended by Charles Butler [1] :

> The above-written solemn instrument of protestation was signed by the English Catholics in the beginning of the year 1789.

[1] He gives the text of it in his Memoirs.

INGATESTONE HALL.

facing p. 258

As soon as the committee of the English catholics received it, they transmitted it to Mr. Walmesley, the honourable James Talbot, the honourable Thomas Talbot, and Mr. Matthew Gibson, the then four vicars-apostolic of the English mission. They all signed it :—The three first with their own hands,—the last by Mr. James Talbot, whom he authorised to sign it for him.

After this, it was circulated generally among all the clergy, and among all the catholic laity of any kind of consequence or respectability in England, and not more than six or seven at the utmost refused to sign it.

After Mr. Talbot had signed Mr. Gibson's name to it, it was suggested to the committee, that the authority given by Mr. Gibson to Mr. Talbot to sign it, was upon condition, that he thought his signature necessary to the success of the bill then in agitation for the relief of the catholics.—The committee did not think his signature necessary, and doubted, therefore, whether they were warranted, under these circumstances, in accepting his signature. They signified this to Mr. James Talbot, and by his direction, and in his presence it was erased.

Mr. Walmesley and Mr. Robert Bannister signified to the committee their wish to have their respective names erased, and one other clergyman is said to have intimated a like wish to one of his friends.

Thomas Weld, esq. of Lulworth Castle in the county of Dorset, desired it might be mentioned to the officer at the Museum, who should receive the protestation, that he wished his name to be withdrawn, as it was against his will, and without his consent, that it was brought to the Museum.

No other signature has been recalled. From

the time it was signed to the present moment, it has been in my custody.

It was resolved, at their general meeting in last June, "That as the oath, contained in the bill for the relief of English catholics, is not expressed in the words of the protestation, the English catholics take this occasion to repeat their adherence to the protestation, as an explicit declaration of *their civil and social principles*, and direct the committee to use their endeavours to have it deposited in the Museum, or some other proper place of public institution, that it may be preserved there, as a lasting memorial of their political and moral integrity."

In consequence of this resolution, it is, this 30th day of December 1791, delivered to Dr. Morton, the secretary of the British Museum, by

Charles Butler—secretary to the catholic committee.

The instrument of protestation, deposited at the Museum, is the identical instrument, which was subscribed by the gentlemen, who attended the general meeting of the catholics at the Crown and Anchor in 1789.[1]

It was certainly a happy decision of the Catholics of England, assembled in June 1791, which preserved this important document for future history; but we have now to relate some further discussions in its regard.

It was impossible for anyone henceforth to deny the existence of the document, but there is a type of controversialist who can produce other weapons than the denial of a fact when such a fact is incontrovertible.

[1] This meeting of 1789 must not be confounded with that of 1791.

Milner and Charles Plowden could not destroy the Protestation, but if they were sufficiently unscrupulous in their methods they might obscure the question by the smoke and dust of personal invective. Hence they brought against Charles Butler the very gross accusation of having substituted another copy of the Protestation for the original; Milner brought this charge in his "Ecclesiastical Democracy Detected," published in 1793, and Charles Plowden in his "Remarks on the Memoirs of Panzani."

In regard to this controversy Dr. Ward dryly remarks:

> It is difficult to see what the object of the whole discussion could have been, for neither Milner nor Charles Plowden maintained that there was any substantial difference between the Museum copy, if it was a copy, and the original. . . . It is probable that Milner's chief object in raising the controversy was to discredit his opponents.[1]

Yet I think that the letter, which he goes on to quote, from Charles Plowden to Dr. Douglass, manifests the object which he, at least, had in view. In that letter he suggests that Catholics may thereby be persuaded to withdraw their names from the document, and that, in the future, it will be thought that they had been the fools and dupes of a few ambitious men.[2]

It fell to the lot of the Cisalpine Club to deal with this dishonest plot; and though we have not yet given any account of the formation of that Club it will be best to finish the history of the Protestation in this place.[3]

[1] *Op. cit.* ii. 58. [2] *Op. cit.* ii. 50.

[3] What follows is drawn from documents which are likewise in the British Museum (Add. MS. 5416B).

By a resolution of the Cisalpine Club of April 13 it was determined : " That the law members of this society be desired to investigate the authenticity of the instrument of protestation lodged in the Museum."

The members deputed were Messrs. Cruise, Butler, William Throckmorton and Clifford. Lord Petre and Sir Henry Charles Englefield were likewise present.

The investigation took place on May 20.

> And the result of their inspection of the document and examination of Mr. Hope [clerk to Charles Butler] is that they are fully satisfied it is not a copy but the original identical instrument of protestation.

We find also a letter dated March 4, 1795, from one Samuel Ayscough, an officer of the British Museum, in answer to one he had apparently received from Mr. Milner, raising some doubt as to the authenticity of the document, based on the existence of empty needle-holes in some of the skins.

He makes the rather obvious suggestion that such variations might be due to the fact of the sheets having been circulated separately ; and as Milner had evidently insisted on secrecy, he remarks rather dryly :

> I am obliged by your caution respecting any information that I should give you, as I am so little acquainted with the controversy that I could not take any part in it, and should give exactly the same information to the other party as I do to you.

The report of the investigation, conducted by the law experts above referred to, having been sent to Milner, he brought out a further charge in a

pamphlet entitled : " A Reply to the Report published by the Cisalpine Club on the authenticity of the Protestation at the Museum, in which the spuriousness of that Deed is detected."

His argument was based on the material arrangement of the document ; the pin-holes and arrangement of the sheets, etc. (It is constituted of a number of parchments, which were separately circulated, and put together variously.)

He also declared that the instrument : " Being a composition equally faulty in grammar, logic and theology it was generally disapproved of by the Catholics," etc. (Who signed it !)

An attack on the opponent's grammar is usually the last desperate resource of a controversialist *in extremis*.

The Cisalpine Club had this further attack under consideration at a meeting of May 12, 1795.

1. They declined to take any notice of a letter from Mr. Charles Plowden.

2. They noted that Milner had also charged them with introducing a false document into Parliament, but had afterwards wholly withdrawn this charge, adding, however, the comment that it was " an unimportant mistake."

They could not, they said, share his view as to its unimportance ; for to make such an assertion was " to charge them with the commission of a crime of a very black nature."

(But Milner could not understand the feelings of such men on such a point.)

3. They then dealt with the arguments he had adduced, and confirmed their previous resolution.

Thus ended the history of the celebrated Protestation, as regards the origin, end, and text of the document.

But the spirit of the persecutor dies hard, and there were good and noble men who suffered, to the

end of their lives, not for having signed it—the persecutors, also, had done that—but for standing by their word, remaining true to their fellow workers, and repudiating, to the last, those doctrines of equivocation with which Catholics had been charged, and against which the Protestation had, in part, been directed.

CHAPTER XXI

Last Acts and Experiences of the Catholic Committee

It is regrettable, but true, that people are strangely tenacious of their quarrels even when the cause of dispute is ended, and, in the words of a celebrated legal case, "the Snark has been dead for some years."

The case of Fr. Wilks was not the only cause of continued disturbance; for some of the bishops, and Dr. Walmesley in particular, could not forget or forgive the issue of the "Manifesto and Appeal" of the Catholic Committee in February 1791.

Unprovoked by any further action of the Committee, but moved by the fact of this Manifesto having been recorded in the Second Blue Book, the three VV.A. of the Northern, Midland and London districts commissioned the Rev. Charles Plowden to write an attack on its authors. This he did, with his usual fluency and ease in the matter of denunciation.

On this pamphlet even Dr. Ward passes an outspoken judgment—the writer, he says, "was an unfortunate choice," and "it would be tedious to do more than quote a few typical passages." [1] Of this same pamphlet Lord Petre wrote to John Throckmorton, with more mildness than it deserved, that it was: "without argument, accompanied with a sufficient contempt for truth.' [2]

[1] *Op. cit.* i. 333. [2] July 19, 1791—Coughton Court Archives.

It was, in fact, almost a tissue of abuse; but we will leave the account of it to be given in the Letter of the Committee with which we shall presently deal. We must also refer briefly to what has been called the "Mediation," an effort on the part of certain gentlemen to bring about a reconciliation between the two parties; these gentlemen were Messrs. Webbe Weston, Eyre, and Sheldon.

Their efforts were generously exerted, and met with some reward, but not a very complete one. The detailed account of their negotiations has been preserved in the British Museum, but its total result was not such as to justify a lengthy narration in this place. Shortly it may be said that they obtained, from the bishops, a very qualified repudiation of the tone adopted by Charles Plowden in the pamphlet for which they were responsible; but they did not obtain from the Committee what the bishops demanded: namely, the recall of the Manifesto and Appeal. Dr. Ward doubts if this demand was "prudent," or if "they were justified" in making it.[1]

. . . . .

The Catholic Committee of 1787 had now reached its term of office, had fulfilled its mandate, and had, in its own judgment, no reason to seek fresh election. We shall see, presently, that it gathered up something of its traditions in another form and place, but its responsibility to the Catholic Body at large was now at an end, and its last history is given in the "Letter addressed to the Catholics of England" and dated April 21, 1792.

As on some other occasions, this letter was unnecessarily long and over-controversial, but some account of it is an essential part of the history of the movement. It begins with an historic survey and refers to the Bull "Regnans in excelsis" of the

[1] *Op. cit.* i. 355.

ill-advised Pope Pius V. There follows a fine tribute to the good sense and generosity of their countrymen :

> If the penal statutes had been executed, in any period, to their full extent, every Catholic family must have been extirpated in this land. Even the Act of 1778 secured them no civil or religious existence. They continued to live by sufferance. If they walked in the streets of London, if they breathed the air of England, it was only because the spirit of the people was more merciful, than the injunctions of the law. Unfortunate objects of national odium and national oppression, when their neighbours grew ill-natured, they might be reviled and insulted with impunity ; and when vindictive, they might be molested and removed beyond the protection of government itself. . . .

Coming to the history of their own Bill, they say :

> THIS BILL, and THIS BILL only you will please to consider, as the Bill of your Committee. We repeat from our letter to Mr. Douglass, that whatever alterations were made in it, all were made more or less against our consent. Some of them necessarily appeared to us less objectionable than others :—but to all of them we objected.—If ultimately, we adopted or acquiesced in any of them, it was either in consequence of advice, to which it would have been unwise or imprudent in us not to defer, or of directions which it was impossible for us not to obey. We request you to give this bill your attentive consideration. If you compare it with the bill, as it was first brought into the House of Commons, or as it was altered there, or as it was taken to the House of Lords, you will find, that it neither contains the appellation of Protesting Catholic Dissenters, nor the

Oath, nor any of the provisoes, which were objected to by the Apostolic Vicars, nor any one of the clauses, (except those relating to presentations and the practice of the law,) which were objected to by any one Member of Parliament.

Such was the object, and such the intended operation of our bill; And in this state it was communicated to those persons, who particularly interested themselves in our cause, or whose rank, abilities or situation in the country, made such a communication necessary or desirable.

In this stage of the business the instrument of protestation was tendered to us. In our former letter we gave you an account of the rise and progress of this event.—Again we repeat to you, that, the protestation was not framed by us:—that it did not in any sense of the word originate with us:—that the instant we received it we transmitted it to all the Apostolic Vicars: and that it was tendered by us to no person in any district, until the Vicar Apostolic of that district had signed it or withdrawn his opposition to it.—But after it had received the approbation of the Apostolic Vicars, we exerted our utmost efforts to circulate it.

. . . . .

Salutary indeed was the effect of this measure. —The instrument of protestation contained the avowed objections of protestants, and the answers, which they declared were satisfactory. The signatures to it shewed it contained the general sentiments of the English Catholics.

In regard to the Oath, they say:

The protestation was a solemn instrument, signed (with few exceptions indeed) by all the Clergy and all the Laity. To the Minister, to the Houses of Parliament, to the Nation, your

Committee had solemnly presented it, as an explicit and unequivocal declaration of the sentiments of the English Catholics, as men and citizens. The Oath (whatever might be the sentiments of others) was, in the opinion of your Committee, a counterpart of the protestation. To withdraw the oath appeared to us receding from the protestation. To recede from the protestation we held in horror ; we thought it an act of unjustifiable perfidy ; we were persuaded it would cover the body, and ourselves in particular, with ignominy, and make us for ever despicable in the eyes of men of honour, principle, consistency of character, or truth. We never therefore could be induced to solicit the withdrawing of the oath. —But here we rested. When your present oath, or the oath of 1778, or the Canada Oath, or any other unobjectionable oath was proposed, we never refused to testify our readiness to take it, if the legislature should think proper to impose it on us ; but at the same time we uniformly declared, we had no conscientious objections to the Oath as it then stood.—We said we had signed the protestation ; that we considered the oath to be a counterpart of the protestation, and that from the protestation we never would recede.

. . . . .

In regard to their disputes with certain members of the Episcopacy, they make the following statements :

We now beg leave to trouble you with some observations on the nature of OUR CONTEST WITH THE APOSTOLICAL VICARS.

When the interests of a considerable body of men are concerned, it is next to impossible to obtain an unanimity of opinions concerning the plans and measures to be adopted. Contestations

will of course arise.—But when such contestations are to be carried on with persons, whose character, station and office entitle them to peculiar respect, the talk becomes more than usually painful.

This has happened to us. We felt it our duty to oppose, in some instances, the mandates of Apostolical Vicars ; and, as our controversy with them has been public, our characters require the public should be informed, that we neither engaged in the contest upon unjustifiable grounds, nor supported it by unjustifiable measures.

. . . . .

One thing in particular we wish should be clearly understood :—we have invariably professed, that we never conceived an idea of departing, in any one single instance, from the belief, or the acknowledged rules, of the Catholic Church ; and consequently we have uniformly disclaimed the most distant intention of encroaching upon any one privilege belonging to the episcopal dignity.

In matters of fact we were convinced that the Apostolical Vicars were mistaken.

We knew that they had misconceived the nature of the business, which we were conducting, and had mis-stated our proceedings in it.

We conceived besides, that they had extended their authority to objects, which came not within their competency. An implicit deference to orders, which equally at first sight, and upon reflection, struck us as unwarrantable, would, in our judgment, have greatly prejudiced the most essential interests of the body of English Catholics, and have justly subjected ourselves to an accusation of relinquishing the duties of a public trust.

Did we insist, that the protestation contained nothing which English Catholics might not with safety declare ?

Let it be remembered, that six bishops and nearly two hundred and forty clergymen, as well as almost every respectable layman, in this kingdom, had already signed that instrument, and returned it to us as a public pledge of their social and political sentiments. Could we believe, that an instrument signed by the whole body of English Catholics, was inconsistent with Catholic principles ?

In the name of the body, we had solemnly presented that instrument to the legislature, and had earnestly called the public attention to its contents. We could not, therefore, revoke it, in any circumstances, without disgrace ; and unless expressly directed by the subscribers and our constituents, we could not revoke it without betraying our trust. But the body never instructed us to revoke their instrument ; and indeed we have never heard, that the Apostolical Vicars enjoined their clergy or their flocks to cancel their signatures. . . .

If therefore the Apostolical Vicars have had any contestation upon this subject, it has certainly been less with the Catholic Committee, than with the body of English Catholics.

Did we refuse to submit to a requisition made by Mr. Douglass and Mr. Gibson, not to proceed in the business of a Bill before Parliament, without their approbation ? It was because we could not but deem that requisition an undue exertion of authority. It encroached upon our rights as Englishmen.

For we acknowledge no power, that can restrain the subjects of these realms from applying to the legislature in a constitutional manner.

Consider, we entreat you, my Lords and Gentlemen, what must have been the effects of our compliance, Your Bill was lost. Every penal

and disabling statute, which the wisdom and humanity of Parliament have lately repealed, would still have continued in full force against you. Your disgrace too would have been complete.

For after attracting, for some years, the fixed notice of your fellow-subjects, and of the legislature; after making a solemn declaration of your principles as men and citizens; after introducing a Petition and a Bill into Parliament, you must suddenly have shrunk back into former oppression and aggravated odium. As no reasons could be alleged for stopping all proceedings relative to your Bill except an ecclesiastical order of two Apostolical Vicars, the public must necessarily have considered you as equivocators, who dared not support their most solemn declarations, and who, in the most important concerns, would at any time be disposed to resign implicitly their best and most essential civil rights to the unmotived suggestion of Apostolical Vicars.

Of all the prejudices which had so long prevailed against English Catholics, and which had rendered them, in the opinion of many friends to civil and religious freedom, unfit to participate in the blessings of our happy constitution, none was more deeply imprinted than the suspicions that English Catholics were so slavishly dependent on their ecclesiastical superiors, as to have, even in civil concerns, no judgment, no rule of action, which was not, at least indirectly, subject to their absolute control. This prejudice, you, by your protestation had removed; but candour must own that the abrupt requisition of two Apostolical Vicars to desist from proceeding in the business of a Bill before Parliament, seemed too fatally calculated to revive the ancient suspicions of the inglorious servitude. In comply-

ing therefore with that requisition, we could see nothing but peril and disgrace to the body of English Catholics.

. . . . .

They pass on to the consideration of Plowden's pamphlet :

You have probably heard of some DEFAMATORY PAMPHLETS, in which your Committee has been treated with little regard, and you approve, no doubt, of our inattention to their contents.

One alone we think it may now be necessary to notice. The ravings of enthusiasm we can easily overlook, and the calumnies of unauthorised individuals we know how to despise : but the writer of this libel assumes an authority which claims attention and respect. He tells the public that " he writes at the request of three Apostolical Vicars, and conceives himself to be speaking their language." He certainly does not speak the language of lenity, of conciliation, or of truth.

His misrepresentations are neither few, nor unimportant.

He dashes the foam of his declamation on all those English Catholics, who have approved or co-operated in the measures of your Committee, and your very votes of thanks he cavalierly treats as futile compliments for lost reputation.

His resentments against the majority of English Catholics are immoderate, but his charges against us are of the most atrocious kind. He describes us as " contrivers of mischief " : " we began," he says, " by deceit : we would first have deceived the body of English Catholics, then insulted them for being over-reached, and to rivet them down in error, would have displayed all the terrors of outrageous persecution." Our letter to the Vicars

Apostolic he calls "a masterpiece of dissimulation, duplicity, and FALSEHOOD." There is hardly a page in this work (and it is an octavo of 165 pages) which does not contain some reflection upon us. Gross ignorance is the slightest of his imputations. He accuses us of many things which impeach our honour and our veracity and which, if true, would make us unworthy of living in your society, or in any society professing the common rules of morals, or the common decencies of manners. Our Catholicity he denies: —does not allow us common honesty; and to complete our defamation, seriously insinuates we are tainted with JANSENISM. . . .

After the Bill for our relief had passed it was the earnest wish of all lovers of peace, that a contestation, to which different ways of thinking in persons contending for the same object had given rise, might quietly subside. For our parts we had not the slightest wish of continuing a controversy, now become useless to the public cause. Expressions of civility and mutual congratulation had passed between us and the Apostolical Vicar of the Southern district. Even the Apostolical Vicar of the Western district had exhorted us to *let all discord subside, and to unite in the sweet comforts of peace and concord.* The sweet comforts of peace and concord seemed actually restored when, on a sudden, out bursts this violent attack upon our honour, our probity, our religion, and upon the principles and characters of all our friends! And from whom this attack? From a volunteer gladiator? It might have been, but he pleaded a commission from regular chiefs.

To a passionate adventurer we could not stoop to reply; but to rectify the misconceptions of Apostolical Vicars we thought both respectful and necessary. To ascertain, therefore, whether the Rev. Charles Plowden had been commissioned

by the Right Rev. Apostolical Vicars, and to what extent he spoke their language, we addressed the following letter to each of our four Prelates. If we wrote to Mr. Talbot, it was not because we thought him capable of authorising such a writer to abuse his name, but only because that writer had not specified the three Apostolical Vicars whose commission he pretended to have received.

The following are copies of our letter and their answers :

" My Lord,—A pamphlet has been published by the Reverend Charles Plowden, entitled ' An Answer to the Second Blue Book, containing a refutation of the principal charges and arguments advanced by the Catholic Committee against their Bishops, addressed to the Roman Catholics of England,' which pamphlet contains many reflections on the conduct of the Committee in the late business, and many imputations on their moral character highly injurious to their reputations, as well as a very erroneous statement of several material facts.

" It has been the constant resolution of the Committee, not to notice the productions of any individual, however gross their abuse of our conduct may be, and however distant from truth the statement of facts contained in it. But Mr. Charles Plowden's book bears on its first page an information, which forbids us to look on it in the light of a private work. The public is told, that the answer was prepared at the request of three of the Apostolic Vicars ; and though by a very singular mode of conduct this avowed agent declares that he has acted in this important business (for, my Lords, as Christians, and as gentlemen, we must consider an attack on the moral character of a very large proportion of the Catholic clergy and laity of this country as no trifling matter) without having submitted his

manuscript to the censure and correction of his employers, yet he expressly declares that he writes at the request of the Bishops, and conceives himself to be speaking their language.

"Thus, my Lord, has the book in question been introduced to the world with the stamp and sanction of your Lordship's authority and we conceive that we should be wanting both to ourselves, and to the part of our clergy reflected on in it, if we did not endeavour to know, how far Mr. Plowden speaks your Lordship's sentiments.

"My Lord,—We apply in the most solemn manner to you. We are charged with crimes of a very serious nature; you owe it to us as Christians, either to undeceive the public with regard to the opinion they must conceive your Lordship forms of us, and leave to Mr. Plowden the shame of having thus abused your Lordship's respectable authority, or candidly to say, that such are your sentiments in our regard. We shall then endeavour to vindicate ourselves from the accusations brought by your Lordship against our moral, as well as civil, character.

"We are, My Lord,

"Your most obedient humble Servants,

"PETRE. JOHN
"HENRY C. THROCKMORTON.
ENGLEFIELD. THOMAS HORNYOLD.

"LINCOLN'S INN, 23*rd Feb.*, 1792."

They then give the text of the answer of Bishop Thomas Talbot, from which the following passages may be quoted:

(*To Mr. Charles Butler.*)

LONGBIRCH, *Feb.* 6, 1792.

Dear Sir,—My most sincere and hearty wish and desire has constantly been to promote and preserve concord and harmony, peace and charity

among ourselves; and I think I can truly say with the Apostle, 1 Cor. xi. 16: If any man seem to be contentious, we have no such custom, nor the Church of God. You may therefore assure the very respectable Gentlemen of the Committee, that I never employed, commissioned, or desired Mr. Plowden, or any one else, to utter or express any thing derogatory to them, or any of their connections, either individually or collectively. Could any conciliating measure be devised, an end be put to all feuds, contentions, and animosities, and every thing contrary to peace, charity, and brotherly love, be buried in entire oblivion, I should very much rejoice, and would most willingly concur in any scheme that could effectuate this most desirable end, and that could make us, with one mind, and with one mouth, glorify God and the Father of our Lord Jesus Christ. . . .

The answer of the other three bishops was as follows:

My Lord, and Gentlemen,—In answer to your favour of the 2nd instant we beg leave to say:

That we do not conceive ourselves under any obligation to give any declaration whatever concerning Mr. Charles Plowden's pamphlet.

CHARLES WALMESLEY, V.A.
WILLIAM GIBSON, V.A.
JOHN DOUGLASS, V.A.

The Right Hon. Lord PETRE.
Sir H. C. ENGLEFIELD.
Sir JOHN THROCKMORTON.
THOMAS HORNYOLD.

LONDON, *Feb.* 16, 1792.

N.B.—As we have seen above, the incriminated VV.A. did, eventually, exonerate themselves from responsibility for the violence of Mr. Charles Plowden's utterances.

They then deal, *seriatim*, with the chief charges adduced against them by Mr. Charles Plowden and conclude thus :

It remains for us to present you, my Lords and Gentlemen, our most sincere thanks for the obliging and kind support we have received from you, on every occasion, during our five years' appointment, and our grateful acknowledgments of the many honourable testimonies of approbation, which our conduct has received from you. These will never escape our memory or our gratitude.

As individuals, our services are at the command of all and every one of you.

As a Committee we shall meet no more. We, therefore, surrender our trust into your hands ; happy in our consciousness of having, on every occasion, endeavoured to discharge it well, and in the approbation you have constantly and uniformly been pleased to bestow on our endeavours.

My Lords and Gentlemen,

We have the honour to be, with the greatest respect,

Your most obedient humble servants,

CHARLES BERINGTON STOURTON
JOS. WILKS. PETRE
HENRY CHARLES ENGLEFIELD
JOHN THROCKMORTON
JOHN LAWSON
WILLIAM FERMOR
JOHN TOWNELEY
THOMAS HORNYOLD.

LINCOLN'S INN, *April* 21, 1792.

. . . . .

The above circular was the last public and collective utterance of the Catholic Committee. Elected

by the Catholics of England in 1787 it had carried its duties to a successful issue, and could yield up its responsibility along with the mandate it had fulfilled.

Its end was achieved ; its troubles and disputes terminated. Its former members exercised extraordinary self-restraint and silence in regard to further controversies, in which the action of the Committee was in any way implicated, and later quarrels within the Catholic Body were mostly confined to its ecclesiastical members.

In his last volumes, " The Sequel to Catholic Emancipation," Dr. Ward gives the history of the disputes between seculars and regulars, and those that occurred before and after the re-establishment of the hierarchy.

Perhaps some pressure from lay opinion might have been useful and wholesome during those quarrels, but, by then, the laymen were beginning to lapse into that silent acquiescence which they have since observed.

It is not often given to us, whether as individuals or in corporations, to finish a task so completely and satisfactorily as did this Catholic Committee. We have just lately, as I write these lines, witnessed the final and complete repeal of the remaining penal laws [1] ; that repeal provoked neither criticism nor opposition—the day for such manifestations has gone by.

But our ancestors had a very different task to perform, and it is strange to reflect how little credit has been assigned to them by succeeding generations, even of their own families, for their wholehearted devotion to the Catholic Cause, and their firm and honourable conduct as English gentlemen. It may seem preposterous to some of us, but the fact is undeniable that they had some difficulty in convincing their fellow-countrymen that Catholics could

[1] December 1926.

be truthful and that Catholics could be loyal; and if they took a very firm line on these matters, even to the point of resisting some of their own ecclesiastical superiors, it was because they were quite determined that, on that point at least, no doubt should remain—their honour, at least, should be proved inviolable.

> An unshaped Law, uncertain, tyrannical, severe,
> Absolute justice, or generous error,
> Hard and impenetrable as crystal—HONOUR.[1]

The subject of this Memoir, and many of his friends, did not live to see the days of complete Emancipation, but one or two of them did, and, amongst them, Charles Butler himself. In the Archives of Swinburne Castle a letter of his has been preserved, addressed to Robert Throckmorton (the nephew of that John Throckmorton who worked on the Catholic Committee throughout all its vicissitudes). It is a letter of congratulation on the occasion of his election to Parliament; I do not know if he was the first Catholic member.

Dear Sir [he writes],

Permit me, (an old friend and Protégé of your family,) to present my most sincere congratulations on your being returned Member for the county of Berks.

During the last 12 years it appeared to me quite certain that Catholic Emancipation would take place, and that not only the elective franchise, but admission into Parliament would be allowed us. If the counsels of your Uncle Sir John Throckmorton had been followed, this happy event would have taken place many years ago. It has at length arrived and I am rejoiced to find that one of its first fruits has been your election to

[1] *Una partita a Scacchi*—Giuseppe Giacosa.

represent the county in which your family have so long resided—with distinguished honor. I dedicated two works to your Uncle. In the dedication to him of the "Revolutions of the German Empire" I mentioned an expression by which Mr. Fox described him. It contains perhaps the highest panegyric which one man can bestow upon another, and such a compliment from Mr. Fox is of no ordinary value. I have no doubt that your Uncle's high character will be revived in you.

One distinctive mark of it was, to use an old English expression, that he always played the whole game and was never diverted from it by any oblique view. He disapproved of Mr. Fox's Coalition with Lord North, his India Bill; the secession of Lord Fitz-william and the other alarmists; and Mr. Burke's opposition to Mr. Fox on the Bill for the relief of the Protestant dissenters. When these events took place, there was a great difference of opinion respecting them. At this time all wise and reflecting persons think upon them with Sir John Throckmorton.

Permit me to suggest to you that you cannot serve the cause of reform, or to speak more properly the great cause of liberty, better, than by watching your own friends and keeping them firm in the popular principles of their party. In the 2nd volume of my Reminiscences, I have noticed, in what I have said of Mr. Burke, the mixture of popular and aristocratic feelings, which constituted the character of the original Whigs. In my long life I have seen the Whigs three times called into power, and, at each time losing their character and their strength by too great sacrifices to aristocratic feelings. From reproach on this head the present ministry are not free. But it would be invidious to mention particulars. Their conduct however deserves your serious attention.

The abolition of sinecures, and undeserved pensions, the exercise of office by deputy, the non-residence and pluralities of the clergy, the absence of the prebendaries from their stalls, and the neglect of the religious education of the poor loudly called for remedy. The public expects both a serious and speedy Reform of all these particulars, and will take the measure into their own management if the Ministers delay it or deal it with a sparing hand. I hope to see you at the head of those who promote these substantial and necessary Reforms.

I hear from Berkshire that your speeches were most favourably received. They certainly have been praised in London. I can truly say that I have read no speech made during the present elections which has given me so much pleasure or so high an opinion of the talents and good sense of the speaker.

My old friend Lord Sandwich (and there were few better judges) used to say that every speech which lasted beyond half-an-hour always lost something of its effect by the excess, unless it was necessary to enter into details; every speech I have witnessed has appeared to me to justify this remark, even Mr. Pitt and Mr. Fox frequently become tiresome. Excuse my mentioning that *Mr. Nicholl's memoirs*, though the work of a wrong-headed and ill-natured man, mentioned some facts and contained some observations applicable to our own times, which deserve your perusal.

I hope it will not be long before you hear your own voice in Parliament, every day's delay adds to the difficulty of a speaker for the first time. You may be assured that at present public opinion is greatly in your favor. If my services in any respect can be of use to you, I beg you will command them.

I have the pleasure to inform you that my son-in-law, Mr. Lynch, canvassed the town of Galway in the Reforming interest. He wrote me that he considered his return as all but certain. However, through the manœuvre of a false friend he has failed.

I am, Dear Sir,
With the greatest respect,
Your most obedient humble servant,
CHARLES BUTLER.

LINCOLN'S INN,
12 *May* 1831.
ROBT. THROCKMORTON
Esq.

CHAPTER XXII

Dr. John Milner

Many of my Catholic contemporaries, if they learned any history of the times with which we have been dealing, learned it as I myself did, mostly from one source—that source being Fr. Amherst's history, which was founded on the Life and Memoirs of Dr. John Milner. This last-named succeeded in imposing his presentation of those times on succeeding generations in a manner that is quite astonishing, considering that it is often out of his own mouth that the inaccuracy of his accounts could be proved.

We have been given to understand that Dr. Milner saved the Church in England ; that it might have fallen into schism without his stalwart devotion to the faith. Above all, it has been supposed that his opponents were men disloyal to the Holy See, of which he was the intrepid defender.

They were not, most of them, men who would have been at much pains to hand down to history any account of their own doings, and that any record remains is chiefly due to the prudence and foresight of Charles Butler. But for one Catholic conversant with his Memoirs there were, at least till quite lately, probably fifty brought up on the statements of Milner as set forth by Fr. Amherst and others.

Dr. Bernard Ward made a great breach in this fortress of misrepresentation, and he had access to many sources of information not generally accessible. He was far too candid and truthful an historian to

cover up facts, even if he sometimes seems to interpret them in a manner more in harmony with the inaccurate histories of others than his own. It is interesting, at times, to observe him dealing out, with one hand, the most damaging and incontrovertible facts against Dr. Milner in his relations not only with the Catholic laity, but still more with his own fellow bishops and with Rome itself; and, with the other hand, bestowing the old tributes and compliments which he has so well proved to be undeserved. Dr. Ward was a man of unflinching truthfulness, and it must have been simply from deference to old-established opinions that he shrank from expressing the conclusions at which he must have arrived. But, anyhow, we members of old Catholic families owe him a lasting debt of gratitude and respect for the work he did in behalf of truth.

In some cases there is little to be gained by depriving a man of a reputation in some respects better than he deserved; but in other cases it is necessary as an act of justice to those whom he has traduced. If a man has spoken much evil of others it is important to know how far his testimony ought to be accepted.

The Catholic Committee had other opponents than Milner. There was Charles Plowden, more violent and unjust than Milner himself; but, perhaps for that reason, he has not counted for so much in the later history of events, and we may leave him alone, as did the Committee itself.

Then there was Dr. Charles Walmesley, chief among the opposing Bishops. But he left no history behind him; he was stubborn and obdurate, but he was not vindictive and untruthful. His character must have won respect, even from those who most regretted his actions; and I was greatly struck by finding, amongst the letters of Charles Butler, one to the Rev. Mr Ainsworth, O.S.B., dated

March 1, 1809, in which he speaks in glowing terms of Dr. Walmesley's scientific eminence, begs for a publication of his works, and offers himself to write "a short account of his life." [1]

To Charles Butler, also, we owe the tale of his renouncing his mathematical studies because he found himself, in a fit of abstraction, drawing geometrical figures with the paten while saying Mass.

But Dr. Milner was not only violently hostile to the Catholic Committee, and to Charles Butler in particular, during his lifetime, but he left a history behind him, and that history has been swallowed, almost whole, by subsequent generations.

It is, therefore, legitimate to examine his character and credibility, and, without denying his zeal and ability, to ask whether he himself was quite such as he has led many to believe him to be; and what was his value as an historian, especially when he treated of those opposed to him.

He has been presented to us, chiefly on his own testimony, as the saviour of the Church in England.

Did he save it? or did he come near to splitting it in pieces by the dissensions of which he was so largely the centre and cause?

He constantly accused his adversaries of schismatical tendencies. Do the documents, that we have had before us, justify such an accusation? Do they not, rather, present Milner in the rôle of *agent provocateur*? of one that, by constantly irritating the tempers of those with whom he disagreed, might have shaken their religious loyalty? For what is better calculated than acrimonious controversy and unjust accusations to drive men to an extreme in the profession of their views?

Was he uniformly on the side of the Church against State interference in her concerns? Or was

[1] See Charles Butler's *Letter Book*, British Museum Add. MS. 25127–25129.

it, rather, the Catholic laity, the very children of the Church, whom he chiefly mistrusted, and whose activity he unceasingly repressed ?

Was he the staunch defender of the rightful authority of the clergy against insubordinate action on the part of the laity ?

Or was he just as violent and bitter in his opposition to the clergy and his own brother bishops—even his seniors—whenever they opposed his action and policy ?

Did he uniformly defend the prerogatives of the Holy See ?

Or did he criticise Rome herself when she acted counter to his aims and ambition ?

And then to pass to considerations of another order:

Was he an honest opponent ?

Or was he passionate and untruthful ? Did he use poisoned weapons ?

Was he, uniformly, at war with what he regarded as wrong principles ?

Or was he at war, still more, with the men who held them, and whom he hated with a vindictiveness painful to behold in a Christian bishop ?

For a general, however imperfect, answer to these questions we may consult Milner's own words and actions ; the records of Dr. Ward ; the documents of the Catholic Committee ; some letters of Charles Butler. We may single out a few facts, without special regard to the order of our previous questions.

1. Milner drew up a protest against the Catholic Committee of 1782, before it had even come into action. He hoped to get this protest signed by the clergy, but *the clergy did not sign it.*[1]

2. The Committee of 1782 wrote to the Vicars Apostolic suggesting the advisability of obtaining from Rome the appointment of a regular hierarchy

[1] *Dawn of the Catholic Revival*, i. 94.

—some of the bishops were favourable, some unfavourable to the proposal, and it was dropped.

The circular itself was not under the eyes of the public when Milner wrote of it that it contained "a series of assertions highly derogatory to the government of the VV.A.," and that the members of the Committee can only "be excused from the intention of schism by their ignorance."

Dr. Ward dryly remarks that "he does not, however, give the text of the document," which he himself publishes for the first time, and which is unimpeachably correct and deferential.[1]

3. In regard to the denomination in the proposed Bill of relief of "Protesting Catholic Dissenters," he was at one with many others in disliking the term, although it was susceptible of an orthodox meaning. But he was not at one with the others when he perverted the term, as he frequently did, into that of *Protestant* Dissenters, or *Protestant* Catholics; and he was certainly distorting facts when he asserted that any one taking the Oath, as first proposed, would have had to swear: "I, A. B., do hereby declare myself to be a Protesting Catholic Dissenter"; for those words never occurred in the Oath, and were simply the description of Catholics in the first Bill.[2]

4. Milner, along with the rest of the clergy, signed the celebrated Protestation. Along with some of them—not all—he afterwards tried to evade the consequences of his action. He endeavoured to prove that the Oath, which had been grounded on the Protestation, differed from it gravely and essentially. Those who please can themselves examine the two documents and form their own opinion. But it was not along with

[1] *Op. cit.* i. 96–8.

[2] *Supplementary Memoirs of the English Catholics.* Also *op. cit.* i. 164, 170.

others that he also drew a distinction, which was bound to shock the public mind, between an Oath and a declaration ; and stated that :

> conscientious Catholics made a great difference between a declaration made to their fellow-creatures, and an Oath made to God. Being deluded to believe that all the first characters in the nation understood certain expressions, as the Secretary explained them ; they thought at first, that it was lawful to *subscribe them* : but when the question was about *swearing to the truth of* them, " *in the plain sense of the words* " their consciences revolted at the proposal.

5. There are men of gentle, yielding tempers who may be drawn, by forcible persuasion, into the performance of actions which they afterwards condemn and regret. But can such excuses be accepted in the case of a strong, passionate, nature such as that of Milner ? What right had he to repudiate the Protestation after he had signed it ? What right had a man, of his temperament, to excuse himself under the plea that signatures were obtained *under cover of glosses and salvos* ? [1]

6. Still more, what right had he to endeavour to clear himself of past responsibility by his endeavour to prove that the authentic document, as deposited in the Museum, had been tampered with, when a number of men of honour pledged their faith to its genuineness ?

Dr. Ward has given us a letter, written by Charles Butler to Dr. Walmesley some years later, in which he says :

> As to what Mr. Milner and Mr. Charles Plowden have written on the subject of the alteration of the Protestation, permit me to assure your Lord-

[1] *Supplementary Memoirs of the English Catholics.*

ship all and everything they have said on it is untrue. I am very willing to give credit to the uprightness of their intentions, and to think that they themselves believe what they write; yet let me say that many years will not elapse before they and I shall appear in judgment before God, and they will then find that in this respect they have propagated against me an absolute falsehood.[1]

7. While the future fate of Catholics was being discussed by their Protestant friends and enemies, on occasion of the Relief Bill of 1791; while the Catholic laity, as represented by their Committee, were making every effort to obtain freedom and justice for clergy and laity alike, and to obtain full rights for the exercise of their religion, in accordance with the doctrine of their Church, Milner distributed handbills in the House, not so much exposing as violently exaggerating points of difference between Catholics, and bitterly attacking his own co-religionists.

This staunch advocate of the Church also appealed to the Protestant Bishops to obtain their support in his campaign.

Some of the Catholic Bishops were partly involved in this latter action; nor did they entirely repudiate the former—yet the method and manner were those of Milner alone, as they made haste to acknowledge.

Can we be surprised at the anger and indignation of the Committee at this perfidious form of attack?

8. Milner became V.A. of the Midland district in May 1803. Dr. Ward remarks that:

It might have been hoped that the more responsible position in which he was now placed

[1] *Op. cit.* ii. 161 (Letter from the Clifton Archives).

would have caused him to moderate the habitual harshness of his language, and the severity of his judgments. It does not appear, however, that such was the case, and as a consequence, throughout Milner's long episcopate the Midland district was as isolated from the other three as it was in the times of his two predecessors . . . though for a precisely opposite reason.[1]

9. Milner was passionately desirous of becoming Coadjutor in the London district; which would in all probability have led to his becoming, eventually, V.A. of the same.

Dr. Douglass, a man of wise, charitable and conciliatory character, was determined not to have him; and the London clergy were emphatic in the same direction.

"We will not have him, we will not let Mr. Poynter go" (Mr. Poynter being the Coadjutor whom Milner would have supplanted). Milner did not hesitate to accuse Dr. Douglass of jealousy; to criticise his episcopal zeal and efficiency; to urge on Cardinal Erskine, the papal agent, that he, Milner, "could do much more good" than the actual V.A. of the London district. He told his friend, Dr. Troy, the Archbishop of Dublin, that he "could draw such a picture of the conduct of my good but weak brother as would amaze your Grace, . . . and as to my worthy, but still weaker friend, Dr. Gibson, his opposition to my agency is mere wrong-headedness."

When, in answer to his plain question as to whether Dr. Douglass thought it would be more for the glory of God that he, Milner, should *not* be his Coadjutor, Dr. Douglass replied that he did think so, Milner hastened out of the room, murmuring something about "the rocks at Lulworth"!

Dr. Ward hastens to add that he must have

[1] *The Eve of Catholic Emancipation*, i. 22.

signified by this some intention of becoming a Trappist ![1] Let us hope this was what he meant !

In one of Charles Butler's letters he refers to this matter.[2]

> To Rev. Mr. Sewell :
>
> *Inter alia :*
>
> An opinion generally prevails that an attempt is making to remove Dr. Poynter from his present situation. It admits of no doubt that there was a project on foot to remove Dr. Poynter to the Midland district, and to appoint Dr. Milner Coadjutor to Dr. Douglass. Dr. Milner himself proposed this to Dr. Douglass.

Later on, when another controversy had arisen, the three VV.A. and their Coadjutors had occasion to address Dr. Milner in the following terms :

> In compliance with our conscientious duty, we, your undersigned, injured brethren, now call upon you by this secret letter to do justice to our characters, and to repair the evil you have done in public and private by your false and unjust representations of our conduct, etc.[3]

10. Our Catholic lay ancestors are, at least, in good company when they are charged, on Milner's authority, with schismatic tendencies, for on this latter occasion he did not hesitate to accuse the two holy bishops—Dr. Douglass and Dr. Poynter—of the same sin—they were " abettors of schism "—" in a state of sin," etc.[4]

11. But how did Milner speak of Rome itself ? When there was danger of his losing the Bishopric

[1] For much of Milner's later history, see the second series of Dr. Bernard Ward's great work, *The Eve of Catholic Emancipation.*

[2] See *Letter Book* as quoted above.

[3] See *op. cit.* i. 150 (Letter from the Westminster Archives).

[4] *Op. cit.* i. 153.

of the Midland district he wrote thus to Sir John Coxe Hippisley, saying, *inter alia* :

> A second time has every rule by which our little body is conducted been set aside, on purpose to mark me out to my fellow Catholics and fellow subjects as a man under the displeasure of the Court of Rome.

He refers to Dr. Stapleton, " who was irregularly appointed by Rome in my place," and goes on to say :

> I appeal, Sir, to your candour and good sense : how it is possible for anyone to serve a Court constituted as that of Rome is at present ? It is not the loss of the Mitre, which Rome has twice denied me, when I was regularly recommended for it, that distresses me, but the virtual censure of my conduct and principles, etc. . . . This circumstance renders it impossible that ever I should stand forward again as the advocate of Rome ; and makes me wish for an entire dismissal from her Ministry.[1] . . .

Later on Milner " wrote vehemently against Hippisley," who retorted by publishing his letters.[2]

12. The history of Milner and the Veto is public property ; and can, indeed, be gathered, to some extent, from a critical reading of his own writings. We have, first, his ardent advocacy of the scheme ; then his equally violent denunciation of it. We have his " Letter to a Parish Priest," written in defence of it ; we have his description of that letter as merely " a mooting essay " when he wished to free himself from the responsibility of having written it. We have his instructions to his parliamentary supporters, with his subsequent repudiation of those

[1] Quoted in *op. cit.* i. 23.

[2] *Op. cit.* ii. 30.

instructions, though he himself admits that, when given the opportunity by Mr. Ponsonby, he only "hung his head." [1]

The whole story is not pleasant reading, and may be followed out *seriatim* in Dr. Ward's "Eve of Catholic Emancipation."

In Charles Butler's "Letter Book" there are a good many references to this affair. To Dr. Moylan he wrote on April 17, 1809:

> I have strong reason to think, in the paper which Dr. Milner put into the hands of Lord Grenville, and in that which he put into the hands of Mr. Ponsonby, he went a greater length than he has mentioned in the papers and pamphlets he has since circulated. I have a letter from Lord Grenville, in which he expressly says that, while he spoke in the House of Lords, he held in his hand the paper that he received from Dr. Milner, and religiously adhered to its terms. A Member of Parliament, very partial to Dr. Milner, assured me that he had seen the paper which Dr. Milner put into Mr. Ponsonby's hands, and that from Dr. Milner's subsequent representations of it, it appeared to him that Dr. Milner had forgotten the terms of it.

In the rough draft of another letter to Sir Edward Jerningham, he writes:

> I am sorry Dr. Milner's letter is destroyed. I have read his Pamphlet, which places him and Lord Grenville completely at issue. You will find on page 26 that he mentions "a powerful conspiracy of growing strength to which several of our Catholics are accessory for our leaving the Catholics of . . . Ireland"; an accusation, on the one hand more calculated to foment and stir up

[1] See, for all this, *Supplementary Memoirs of the English Catholics.*

jealousy, and on the other more unfounded, never could be made.[1] (Feb. 1809.)

To Mr. Sewell he writes, in letter quoted above :

As soon as the Irish Prelates had condemned the Veto as inexpedient the tables were unaccountably turned [by Milner], and the English Catholics were held out as the advocates of the Veto, and the Irish as its adversaries.

And on April 1, 1809, to Dr. Moylan, of Cork :

The rejection of the Veto, after Dr. Milner's assurances that it would be acceded to [by the Irish Bishops], has excited a great deal of prejudice against us.

But the most significant testimony of all is in a letter to John Webbe Weston (one of the mediators), in which he gives an account of a meeting held on behalf of Catholic Emancipation, and in which the effect wrought on the mind of English statesmen by Milner's conduct of the Veto question is described.

May 9th, 1812.

There was a pretty general meeting of the C. at Lord Clifford's for the purpose of discussing the propriety of urging our petition in the present sessions. Lord Grey and Mr. Elliott attended in a separate room. Lord Clifford desired Dr. Milner to be invited. Mr. Jerningham accordingly invited him, but in the name of Lord Clifford.

. . . . .

Four or five of the members sent to Lord Grey and Mr. Elliott to request their meeting the company in the next room. This was accordingly done ; but Lord Clifford thought it proper to mention to Lord Grey that Dr. Milner was among the company. On hearing this Lord Grey seemed

[1] *Letter Book*. This letter has a line drawn through it, which may mean that it was not dispatched.

very much struck, and said that he, Lord Grenville, Mr. Ponsonby, and Mr. Gratton had come to a resolution with each other to hold no communication whatever with Dr. Milner. But on Lord Clifford's assuring his Lordship that it was a general meeting of Catholics, in which Dr. Milner only attended as one of the general number, his Lordship agreed. . . . I have not read above three lines of Dr. Milner's late performance. Dr. Gibson, Mr. Smith his coadjutor, and Dr. Collingridge are in town, and I believe will publish some answer. . . . They say it is a continued tissue of falsehoods from beginning to end; but that as they are put together plausibly, they may have an effect on persons who know nothing of the matter but from Dr. Milner's representation of it.[1]

13. The vindictiveness with which Milner pursued Charles Butler more than justifies the sad words we read in a letter of the same to Mrs. Riddell.[2] He even resorted to the lowest form of controversy, that which consists in allusions to physical defects.[3]

14. Our great Catholic historian, Dr. John Lingard, was another of his victims; the story may be read in the life of Lingard, or in Dr. Ward's volumes. Milner frequently maintained that Lingard owed everything to him. Lingard himself said: "I was never indebted to him for a farthing. . . . He never did anything in the world for me; nor did I want it of him." [4]

Writing of Milner to a friend, Dr. Lingard said:

He grows worse and worse . . . he is grown so intemperate that both Mr. Eyre [President of

[1] *Letter Book*.

[2] "Through life it has been one of my wonders that the Clergy so often offend against charity."—Swinburne Castle Archives. She was a Throckmorton by birth.

[3] *The Eve of Catholic Emancipation*, p. 289 (quotation from the *Orthodox Journal*).

[4] *Op. cit.* ii. 275.

> Ushaw] and myself have thought it most prudent to have no correspondence with him . . . he has frightened (my poor old mother) out of her senses by his talk about me.[1]

Lingard was almost deterred, by these continual attacks, from prosecuting his History, but Charles Butler gave him courage.[2] Milner then tried to get Lingard's History condemned; Lingard wrote to Dr. Kirk: "You are acquainted with the denunciation of my work at Rome by the angel of Castabala" [3] (Milner's see *in partibus*).

As to Milner's historical works, Lingard said, in a letter to Dr. Poynter, that he could not quote him, as he "found his works so full of historical errors." [4]

15. The following are one or two judgments passed by men who knew him. Mr. Robert Clifford, having, on one occasion, defended him, explained his action as follows:

> I must in justice, however, say that I did it only out of the respect which I bore for the character of a vicar apostolic, and not for the person of Dr. Milner, *as I should be unwilling to transact business with him without a witness.*[5]

On the occasion of the Durham meeting of bishops, to which Milner was not invited, Dr. Poynter wrote as follows:

> I should ask whether, knowing the temper and spirit of our colleague, Dr. Milner, it would be advisable to invite him to the meeting. In the regular course of things he should certainly be there. But unless he could be bound to secrecy he would communicate everything to the Irish Bishops and even to the public . . . and more-

[1] See *Life of John Lingard*, by Martin Haile and Edward Bonney.
[2] See Charles Butler's *Letter Book*.
[3] *Life*, etc., p. 192.
[4] *Idem*. p. 199.
[5] *Op. cit.* ii. 52. Own italics.

over, as it is more than probable that he would be in opposition to us all, if we should think proper to write to Rome, he would—to judge from his past conduct—endeavour to be before us with a counter statement, *which from experience we may judge, without rashness, would be a misstatement.*[1]

16. In Dr. Ward's "Sequel to Catholic Emancipation," we may read the history of Milner's ardent opposition to the restoration of the hierarchy—he had opposed the measure in 1782, "and when there was any sign of the scheme reviving he looked upon it in the same light, as an encroachment on the jurisdiction of the Vicars Apostolic; and once he had taken up that attitude he was not the man to listen to arguments in the opposite sense." [2]

It is an ungracious task to attack a reputation, but it may have, at times, to be done in justice to other reputations that have an equal right to fair judgment.

Milner imposed a certain presentment of history on succeeding generations, and, in so doing, established a name of his own for zeal and loyalty, and for devotion to the Catholic Church in England, of which he has been regarded as defender and saviour.

I would only ask of my readers, if still of this opinion, to study his history in the original documents—in his own works and in Dr. Ward's histories. When they have done so, they will, I think, find their views modified even if they do not quite endorse the judgment of Charles Butler, expressed in a letter to Mr. Joseph Berington of November 13, 1817: "He is without exception the greatest lyar I ever knew."

And, going on to consult his correspondence as to

[1] *The Eve of Catholic Emancipation*, ii. 59. (From Archives of the English College, Rome.) Own italics.

[2] *Op. cit.* i. 9.

how much he should say about him in his "Memoirs," he asks whether he shall treat of him "very slightly, merely mentioning him with the courtesy due to his rank . . . or shall I describe him as he deserves, the calamity of the Catholics in our times?" [1]

The more moderate counsels prevailed, and it was not from Charles Butler that we should have learned the whole truth. He justified the words he wrote to Mrs. Riddell, on November 16, 1826: "I reflect with pleasure that I have, on no occasion, used a harsh word to any of my adversaries." [2]

[1] *Letter Book.* [2] Swinburne Castle Archives.

CHAPTER XXIII

The Cisalpine Club

The Catholic Committee had completed its task and resigned its powers into the hands of those from whom it had received them.

But as our soldiers, who had fought side by side in the late war, were loath to dissolve partnership and forget old ties, and therefore formed themselves into the British Legion, or Comrades of the Great War, so the members of the Committee felt the wish to preserve their fellowship, and pursue some of their common interests. Hence they founded a Club, the Cisalpine Club, by means of which they could not only meet, but also, unofficially, watch over Catholic interests. The Club was formed in 1792.

There is something to be said both for and against the name they chose. It was reminiscent of old disputes, and, so far, not a happy choice ; yet there was some justification for the determined resolve it suggested of abiding by the word given, and maintaining those principles in virtue of which both clergy and laity had reconquered religious and civil liberty. Lord Petre himself, who was always on the side of conciliation, once or twice suggested altering the name, but he was out-voted, no doubt by reason of the above-described sentiments and convictions.

The term *Cisalpine* had, in fact, a more distinct meaning in those days than it has now ; and as it is

important to understand what those who claimed the description really meant by it, we shall do well to quote Charles Butler's words on the subject [1]:

> The great difference between the transalpine and cisalpine divines, on the power of the pope, formerly was, that the transalpine divines attributed to the pope a divine right to the exercise, indirect at least, of temporal power, for effecting a spiritual good; and, in consequence of it held that the supreme power of every state was so far subject to the pope, that when he deemed that the bad conduct of the sovereign rendered it essential to the good of the Church that he should reign no longer, the pope was authorised by his divine commission, to deprive him of his sovereignty, and absolve his subjects from their obligation of allegiance; and that, even on ordinary occasions, the pope might enforce obedience to his spiritual legislation and jurisdiction by civil penalties.
>
> On the other hand the cisalpine divines affirmed that the pope had no right either to interfere in temporal concerns, or to enforce obedience to his spiritual legislation or jurisdiction, by temporal power; and consequently had no right to deprive a sovereign of his sovereignty, to absolve his subjects from their allegiance, or to enforce his spiritual authority over either, by civil penalties.—This difference of opinion exists now no longer, the transalpine divines having insensibly adopted, on this subject, the cisalpine opinions.
>
> But though on this important point both parties are at last agreed, they differ in others:
>
> In spiritual concerns the *transalpine* opinions ascribe to the pope a superiority and controlling

[1] *Historical Memories of the English, Irish and Scottish Catholics, etc.*, i. 6–8.

power over the whole Church, should she oppose his decrees, and consequently over a general council, its representative ; and the same superiority and controlling power, even in the ordinary course of business, over the Canons of the universal Church. They describe the pope as the fountain of all ecclesiastical order, jurisdiction and dignity. They assign to him the power of judging all persons in spiritual concerns ; of calling all spiritual causes to his cognizance ; of constituting, suspending and deposing bishops ; of conferring all ecclesiastical dignities and benefices, in or out of his dominions, by paramount authority ; of exempting individuals or communities from the jurisdiction of their prelates ; of evoking to himself, or to judges appointed by him, any cause actually pending in an ecclesiastical court ; and of receiving, immediately, appeals from all sentences of ecclesiastical courts, though they be inferior courts, from which there is a regular appeal to an intermediate superior court. They further ascribe to the pope the extraordinary prerogative of personal infallibility, when he undertakes to issue a solemn decision on any point of faith.

The *cisalpines* affirm that, in spirituals, the pope is subject, in doctrine and discipline, to the Church, and to a general council representing her ; that he is subject to the Canons of the Church, and cannot, except in an extreme case, dispense with them ; that even in such a case his dispensation is subject to the judgment of the Church ; that the bishops derive their jurisdiction from God Himself immediately, and not derivatively through the pope ; that he has no right to confer bishoprics, or other spiritual benefices of any kind, the patronage of which by common right, prescription, *concordat*, or any other general rule of the Church, is vested in another. They admit that an appeal

lies to the pope from the sentence of the metropolitan ; but assert that no appeal lies to the pope, and that he can evoke no cause to himself, during the intermediate process. They affirm that a general council may, without, and even against the pope's own consent, reform the Church. They deny his personal infallibility, and hold that he may be deposed by the Church, or a general council, for heresy or schism ; and they admit that, in an extreme case, where there is a great division of opinion, an appeal lies from the pope to a future general council.

In the history we have been considering these two conflicting lines of thought are prominent ; yet it would be a great mistake to suppose that the enemies of the Catholic Committee were uniformly Ultramontane and the Committee Cisalpine. Milner, the chief opponent, can by no means be classed as Ultramontane ; his opposition was inspired by his sense of ecclesiastical predominance, and his determination to allow the laity no voice in Catholic affairs. Others, like Charles Plowden, who was at the time an ex-Jesuist, and his friends of Lulworth, were, indeed, inspired by Ultramontane sympathies.

It was a new contest, but it was also an old one ; for there had been a century-old contest between two conceptions of Church government and authority. In our retrospect we have seen, in the matter of legislation and oaths, that Cisalpinism and Ultramontanism had carried on a secular warfare. We have witnessed an example thereof in the history of Archdeacon Blackwell, and throughout the long sad history there must always have been those who suffered, indeed who even died, in the cause of religious obedience, but who wondered if they really need have done so.

In a letter to Mrs. Riddell of Swinburne Castle, *née* Throckmorton, Charles Butler makes the following remarks :

> It is somewhat singular that the question suggested in your letter was, nearly half a century ago, put to me by your uncle, Sir John Throckmorton. Both of us investigated the facts, but neither could solve the mystery. Several Catholics, and Sir John among them, thought, upon plausible grounds, that Catholics might have conscientiously taken the oath of supremacy ; but I believe no Catholic ever thought that he could conscientiously take the oath against Transubstantiation. (April 5, 1827.)

Yet, in another and more important aspect, it *was* a new contest. Throughout the post-Reformation history of England, as in that of the Gallican controversy and of the Civil Constitution of the Clergy in France, the question was mainly in regard to the civil, the political and the ecclesiastical authority of the popes ; it was not in regard to their doctrinal powers. We have seen that the clerical opponents of the Catholic Committee made little difficulty in regard to the repudiation of the doctrine of infallibility ; their difficulties turned rather on questions regarding the temporal power. But it was the rising tide of sympathy with the doctrine of papal infallibility that was giving a new quality to the Ultramontane temper in England, and was inspiring opposition of another character than that of Dr. Milner or Dr. Walmesley.

On the civil and political question Ultramontanism was defeated ; in its doctrinal character it ultimately prevailed. The deposing doctrine has dropped out of consideration ; doctrinal infallibility has been defined. But Cisalpines were far more concerned with the political than with the theological

aspect of the question, and having won the victory on the first point, laymen, at least, troubled little about the second.

That there was a connection between the two was obvious throughout to the acuter minds in the controversy, and it was a good many years later that Mr. Gladstone stressed the point when papal Infallibility became a declared dogma of the Church. Dr. Alexander Geddes had, of course, always perceived the bearing of the one doctrine on the other, but he differed from Catholics in general by his repudiation of Papal Supremacy *in toto* ; at least, if certain jottings of his in the Thorndon Archives are to be taken as representative of his abiding convictions. Yet it is noteworthy that, in spite of his intellectual superiority to many of those Catholics with whom he associated, and, in particular, to his own special patron, Lord Petre, he never lessened their loyalty to the Pope as spiritual head of the Church, nor led them to adopt his own views in the matter.

In the Coughton Archives there is a list of the first members of the Cisalpine Club. Dr. Ward does not give us a complete list, but is in agreement with the one I subjoin in regard to all those whom he mentions.

The Coughton list is as follows—giving the names of those who declined as well as those who accepted the offer of membership.

List of Members of the Cisalpine Club[1]

Berington, Rev. Ch., declined
Blount, Sir Walter, Bart.
Butler, Charles, Esq.
Clifford, Henry, Esq.
Clifford, Hugh, Lord, declined
Courtenay, George, Esq.
Cruise, Wm., Esq.
Dormer, Hon. Charles

[1] These are the original members only.

Englefield, Sir H. Charles, Bart.
Errington, Henry, Esq.
Fermor, Wm., Esq., declined
Heneage, George, Esq.
Hornyold, Thos. Sen., Esq.
Jerningham, Sir Wm., Bart.
Lawson, Sir Jn., Bart., declined
Petre, Rob. Ed., Lord
Petre, Hon. Robert
Stourton, Rt. Hon. Lord, declined
Talbot, Rt. Rev. and Hon. Thos., declined
Throckmorton, Sir John, Bart.
Towneley, John, Esq.
Wilks, Rev. Joseph

Elected by ballot

Petre, Hon. George
Howard, Bernard Edward, Esq.
Howard, Henry, of Corby, Esq.
Blount, Edward, Esq.
Throckmorton, Wm., Esq.
Bellasyse, Rev. Charles, D.D.
Heneage, Thomas, Esq.
Cholmeley, Francis, Esq.
Nickell, Thomas, M.D.
Witham, Henry, Surgeon
Hornyold, Charles, Esq.
Cox, R. K., Esq.
Plowden, Wm., M.D.
Parker, Rev. Thos.
Throckmorton, Charles, Esq.
Fitzherbert, Basil, Esq.
Langdale, Thomas, Esq.
Collins, Rev. Jn., D.D.
Tempest, Stephen, Esq., seceded
Blundell, Henry, Esq., seceded
Curson, Henry, Esq.
Shrewsbury, Chas. Earl of, 1793, 12 March
Devereux, Jas. Edward, Esq.
Stapleton, Thomas, Esq.
Hawkins, Thomas, Esq.
Swinburne, Henry, Esq.

Lincoln's Inn, Dec. 21st, 1793. (Henry Clifford.)

We have some indication of the very bitter feelings which still possessed the souls of some of the opponents of the Catholic Committee in a short correspondence which passed between Mr. Weld of Lulworth and the Cisalpine Club. A question had

arisen in regard to the East India Company and Catholic disabilities. The question was submitted to legal members of the Club, who found that there was nothing to hinder Catholics from holding office in the Company. As this fact might be of importance to the material welfare of Catholics, it was decided to circularise the report amongst Catholics in general. The old enemy, Mr. Thomas Weld, was, of course, not excepted from the list; and the necessary information was sent to him along with the rest. The following was his answer:

> . . . I neither know nor wish to know who are the members that compose this Cisalpine Club; but be they who they may, I shall never acknowledge any authority in any club under such a denomination, or allow them to act for me or in my name under any pretence whatever. I must therefore entreat you not to give yourself the trouble of sending me any more of their letters. . . .

Mr. Henry Clifford replied acknowledging "his very polite letter," and begging to set him right in one particular:

> The Cisalpine Club since its institution has never acted, or taken upon itself to act, for or in the name of any set of men or individuals whatsoever who were not members of it.

The Club was vigilant in regard to any acts of persecution that might continue to be performed in virtue of past legislation, and took up arms, on such occasions, in defence of the weak.

But by far its most important achievement was its initiation of the scheme for the foundation of a Catholic public school; such an institution as had been impracticable during the days of persecution.

Once more the old opposition broke out, inspired

partly by that conservative temper which dreads any departure from the prevailing use and wont, partly by the rooted animosity of those who had made it a law to oppose the Catholic Committee, and who carried on the campaign against all who had belonged to it. Yet the honour remains with the Cisalpine Club of having been the first to propose and work for the formation of that which eventually became Oscott College ; and it is difficult to detect any suggestion of disregard for the clergy in the scheme as suggested by the Cisalpines. Furthermore, having initiated the measure, and received the report of the School Committee appointed for the purpose, the Cisalpine Club decided not to have any *ex officio* connection with the scheme, in order to leave it open to the entire Catholic body, inclusive of those who were hostile to themselves.

Dr. Ward gives a short account of the first action of the Cisalpine Club in 1793, and of the resolutions passed, also of the opposition raised by the three VV.A. of the North, the West, and the London districts, while Dr. Thomas Talbot of the Midland district favoured the proposal. Dr. Ward tells us that the plan then " remained in abeyance until a few months later, when it was re-started in a somewhat different form, and with no direct reference to the Cisalpine Club." But certain members of that Club were, nevertheless, still active in the matter, as documents in the Coughton Court Archives testify.

Writing to Sir John Throckmorton, on June 26, 1794, Lord Petre says, *inter alia* :

> The authority we may think advisable to give the Bishop and clergy, or the Bishop alone . . . is only, I suppose, expected to be a spiritual control over the Establishment ; such as will give security to the Catholics that Lay Governors at any time will not have it in their power to intro-

duce into the College Religious systems or Ecclesiastical persons or ushers whose religious principles or morals are not approved of by the Bishop . . . nothing seems to be wanting to our union but settling the matter of authority over the school.

He encloses a rough draft of proposed constitution, of which the following are the chief points :

1. The Bishop is to nominate the President with the approval of the Governors.
2. The President is to nominate the Vice-President, with the approval of Bishop and Governors.
3. The Bishop is to have sole direction of all religious concerns, and, jointly with President and Vice-President, of moral regulations.
4. The Governors are to have sole management of the financial affairs.
5. The Governors, jointly with President, are to have sole management of the lay education.
6. The Governors are not to occupy themselves with the ecclesiastical students, being only responsible for their pecuniary maintenance ; the number thus maintained to be five or six.
7. The admission of boys to be under the control of Governors and President, including the question of the admission of Irish boys.
8. There is a query as to whether Bishop, or whether both Bishop and President, should be Governors.

There follow various financial propositions.

The letter is dated from Thorndon, June 26, 1794.

To Catholics of our own generation it will ever

be matter of pride that our ancestors were instrumental in the foundation of the first public Catholic School since the Reformation ; that school in which our fathers and brothers were educated ; and from which, in spite of its not possessing the educational advantages of its Protestant rivals, many of them passed with brilliance to high positions in public life.

Dr. Ward mentions the foundation of a "rival association," "The Roman Catholic Meeting," a curious name for an association that aimed at permanence. The Cisalpine Club was so little opposed to its "rival" that some of its members joined the new club also ; but the latter enjoyed a very short existence.

Milner, one of its advocates, wrote of it as follows :

> The greatest hopes of general benefit of the Catholic Religion and the Catholic cause were conceived from the continuance of this Society ; but, owing to some mismanagement or jealousy, which the writer has not fully discovered, it fell to pieces in the course of a very few years. In the meantime, the Cisalpines have increased their numbers and perpetuated themselves, with very slight interruptions, down to the present time.[1]

In summing up his account of the Club Dr. Ward says :

> It is due to the reputation of the members who formed the Cisalpine Club, who were for the most part staunch Catholics and most devout in private life, to add that there is not a word in the Minute Book, from first to last, which indicates the slightest disrespect for authority, or any tendency to unsound doctrine or practice. The vicars apostolic are mentioned incidentally, always

[1] *Supplementary Memoirs of the English Catholics.*

with due respect to their office, and the whole book is Catholic in tone. When a meeting falls on a day of fasting or abstinence, it is postponed, and the reason is given. The works recorded are those in which Catholic interests are bound up, and they are treated from a Catholic point of view. The whole character of the Club and its transactions as judged from the Minute Book conveys a wholly favourable impression.[1]

Reading these words one wonders why the holders of these records [2]—the Minute Books of the Cisalpine Club—should not allow access to them to others, as well as to Dr. Ward. But, happily, one can utterly rely on his veracity, and one knows, from his generous testimony, that if it be from fear of scandal that they are preserved from the public, that scandal would not be occasioned by any action of the Cisalpine Club itself.

I will conclude this slight account with the following letter of Charles Butler to Mrs. Riddell (*née* Throckmorton) of Swinburne Castle :

Madam,—With this, I send you a Biographical sketch, which I hope, will amuse one or two of your solitary hours.

It was my intention to make it serve for pegs to hang notes upon ; which should contain a series of statements and observations—shewing the differences between the laws of France and England in many points respecting the Jurisprudence of real property : But several circumstances, particularly a want of materials, made me contract my design.

I suppose you have heard of the dissolution of the Cisalpine Club. It was established in the year

[1] See *Dawn of the Catholic Revival*, vol. i. chap. xxii.

[2] Messrs. Witham, Roskell and Munster.

1791, so that it had an existence of nearly 40 years. It was always a very respectable and very pleasant meeting : but from the first to the last was looked upon by Doctor Milner and the three Plowdens,—Charles, Robert and Francis, with an evil eye. Its real object was to profess openly, the doctrine of the Cisalpine School,—that the Pope, or the church had no right to interfere in temporal concerns or to enforce their spiritual legislation by temporal power. The Milners and the Plowdens professed to disbelieve our professions in this regard, and accused the leaders of the Cisalpine Club of a design to constitute a national church, nominally subject to the Pope, but really independent of him. This was the subject of many of their pages ; and was continually expressed or insinuated in their conversations. They persuaded many,—and among these several respectable persons,—that this really was the case.

This made it the wish of several that the Club should assume a new name ; and should in other respects become a general Club of the Catholics of the United empire. This was opposed by many, but the Emancipation of the Catholics, by the relief Bill in 1829, made it the general opinion that the time was come in which it was desirable that the Club should be generalised in the manner I have mentioned. Accordingly, Mr. Edward Blount on the first meeting of the Club in the present year, moved that the Cisalpine Club should be dissolved ; that another club should be substituted for it to which all the present members should, if they thought proper, belong ; and that a committee should be appointed to settle the name and rules.

This has been done. I was appointed one of the Committee. We finished our labours the day before yesterday. We call ourselves " The Roman

Catholic Emancipation Club." We settled our Toasts, which are very harmless, and agreed to some other rules for the regulation of the Club.

Yesterday the new Club met for the 2nd time, and the proceedings of the Committee had their sanction; so that the Cisalpine Club exists no longer, and a Roman Catholic Emancipation Club, with that very appellation, has been substituted in its stead. I think it will prosper and add to the strength of the Catholic Body.

I was sorry for the dissolution of the Cisalpine Club. But its dissolution had however become essential to the unanimity of the body and I therefore co-operated in it to the utmost of my power. It must be allowed that the members of the Cisalpine Club have deserved well of the catholic body by this sacrifice.

I hope you were not frightened by the quantity of literary news which I sent you, in my last letter. I hear great discoveries are made in Russia (where one would least look for them), respecting the intelligence of Bees; but this is a subject of which I know nothing. I only mention it that if you are a Bee-fancier, you may not be discouraged from pursuing your enquiries by your high northern latitude.

Mr. O'Connell has acquitted himself in Parliament respectably, but not in a manner that has answered the expectations of his Irish admirers. The fact is, that these did not sufficiently attend to the vast differences between an Irish and an English audience. The latter being as much too flegmatic as the former is too inflamable.

It seems to be generally believed that the King's dissolution may be soon expected, but I understand the demands for mourning are yet wonderfully small.

I beg my respects to Mr. Riddel, I hope the

little one thrives and that you are not disappointed in your hopes of being his only nurse.

I understand the meeting was very stormy—your Brother Robert was in the chair.

I hear the King goes rapidly from bad to worse. Mrs. Charles Eyston reached London yesterday. Charles comes next Saturday.

With great respect, I have the honour to be,

Your most obedient humble Servant,

(Sgd.) CHARLES BUTLER.

LINCOLN'S INN,
12*th May*, 1830.

CHAPTER XXIV

Last Years

Dr. Ward gives us, in the later chapters of his oft-quoted work, a somewhat humiliating account of the dissensions that continued in the Catholic Body after the passing of the Relief Act. But so far as his information carries us, those dissensions were almost entirely confined to the clergy, and the body of men amongst whom Lord Petre was a leader took little part in the disputes. The "Cisalpines," as they were termed, remained, to the end, immovable in regard to the principles they had maintained, and their loyalty to one another was never impaired. But they showed themselves always willing, in practical measures, to carry out the wishes of the majority; even when they renounced thereby some scheme of their own. This is to be noted in regard to the foundation of a school, a matter with which we have already dealt. We have seen that Lord Petre and others were keenly interested in the foundation of that school which eventually became Oscott College; yet, at one moment, they were quite willing to renounce their own plans and support another in its place.

"Lord Petre and some other Cisalpine gentlemen have declared that they will support this school (at Tudhoe, near Durham) which is to be substituted for Douay, and that they are willing to abandon the plan they had formed of a school." (Dr. Douglass to Dr. Walmesley.[1])

[1] *Dawn of the Catholic Revival*, ii. 101.

Happily for those of us who look with pride and love to Oscott, where our fathers and brothers were educated, and where they learned to be men of religion and honour and charity, the other scheme fell to the ground, and Bishop Thomas Talbot was instrumental, along with the old members of the Catholic Committee, in the foundation of that great Catholic School.

Dr. Thomas Talbot, the man of peace, died April 14, 1795, and was succeeded by Dr. Charles Berington. He who had been the chief ecclesiastical guide and adviser of the Catholic Committee became at once an object of persecution to the other party. He remained true to his old comrades in the good fight for religious and civil liberty, while making such declarations as he could in conscience make in response to the demands of ecclesiastical superiors. Full justice was only done him after death.

In a memorial which he submitted to Rome he thus wrote of his old friends :

> If the civil and political principles of Roman Catholics have ceased to be suspected, if the profession of their faith and the frequentation of their worship, instead of being perpetually vilified and often impeded, are now as much authorised as the established religion of the land ; if the person, character and office of the Pope, instead of being a constant object of contempt, derision and execration, are no longer treated with disrespect in this flourishing kingdom ; if there be an opening which seems to promise an avowed and cordial correspondence between the King of Great Britain and the Sovereign Pontiff of Rome, —I say it with confidence, because I have manifest truth to support my assertion, that this happy, and in many respects astonishing, revolution is owing, under the blessing of Providence, to the

ANNE CATHERINE.

GHTER OF 9TH. LORD PETRE. FROM A PORTRAIT BY ROMNEY.

measures pursued by the Catholic Committee, with the approbation and concurrence of the body whom they represented.[1]

One year before his death Lord Petre had, curiously enough, to intervene once more in a political trouble which had been roused by the action of Milner. This latter had entered on a somewhat violent controversy with Dr. Hoadly, Bishop of Winchester; as a consequence of which Sir Henry Mildmay had brought forward an Amendment to the Relief Act of 1791, destined to restrict the establishment of monastic institutions in the country. Such establishments were actually illegal; but the old English sense of fairness had again prevailed, especially since the influx of French priests and nuns, driven from their land by the French Revolution. But Milner's controversial spirit had roused sleeping resentment on the other side; hence the new menace to Catholic liberty. Dr. Douglass gave the following account of the case in his diary:

March 21st, 1800. Lord Petre called on me this day, and told me that Sir H. P. Mildmay, M.P. for Westbury, Wilts, had given notice in the House on the 19th inst. that he would move on an early day for an enquiry into the nature of the monastic establishments in this country, etc., for preventing the growth of popery and for the amending of the Act passed last Parliament in our favour etc. because the clergy and certain people of Winchester[2] had influenced his mind, and urged him to make that motion. Lord Petre being alarmed (as were also many other Catholics) by the reading in the newspaper an account of Sir Henry P. Mildmay having given the notice in

[1] *Op. cit.*, vol. ii. chap. xxvi., where the whole of this sad story may be read.

[2] Milner was priest at Winchester.

the House of Commons, waited on Sir H. P. Mildmay, expostulating with him on the impropriety of making such a motion, which would afflict the whole body of Catholics etc. Soothed his mind, and discovered that Mr. Milner's answer to Dr. Sturges was the source of the whole evil.[1]

The Bill eventually passed in the House of Commons, but was thrown out by the Lords.

Most of the old Catholic families had taken their share in offering hospitality to the French refugees, though a man like Lord Petre was not, constitutionally, keen on foreign religious orders.

Shortly before his death Lord Petre was concerned in an interesting law case. He brought a claim against the Postmaster-General for the recovery of the large sum of sevenpence which he had spent on a letter.

It was, of course, a test case, and his last effort in the cause of justice to Catholics. As a peer of the realm, he had the right to frank letters—but this right was denied because he had never taken his seat in the House. That he never took his seat was because he could not, as a Catholic, do so ; and the case turned on the technical question whether he thus lost the privilege of franking letters, or not. A record of the case was made by John Joseph Dillon of Lincoln's Inn, of which the following is the substance.

It was argued and determined in the Court of the Exchequer Chamber, between the Rt. Hon. Robert Edward, Lord Petre, Plaintiff, and the Rt. Hon. Ld. Auckland and Lord Gower—His Majesty's Postmaster-General, Defendants,[2] 1800.

The Judge was John, Lord Eldon, Justice of the Common Pleas.

[1] *Op. cit.* ii. 201.

[2] It is to be found in the British Museum Library.

Mr. Jervis, for the Plaintiff, explained that the question before the Court was "whether a Peer of the Realm, who is a Member of Parliament, but has not taken his seat, be entitled to exemption from the duty of postage," etc.

He pointed out that the "only object which the noble Plaintiff can have in view is to assert his pretentions to a right annexed by the Law of the Land to the Title which he has the honour to enjoy."

In conjunction with other Catholic peers he had presented a memorial to the Postmaster-General . . . "and although the claim was not allowed" . . . it was suggested that it might be "judicially decided in an action brought by any one of the Peers for the postage taken for a letter."

This disputed right was based, he went on to say, on a Statute of the 4th Geo. III. c. 24, by which members of both Houses possessed, under certain conditions, the right of sending letters exempted from postage duty.

He goes on to say that his client is a peer, that he has been summoned to Parliament, and that existing legislation did not annul the fact of Roman Catholics being Peers, for as such they were by law named and recognised. The law which imposed certain tests before they could take their seats did not affect their status as Peers.

He claims, therefore, that the postage privilege remains unshaken, and denies that Roman Catholic peers can be classed, in this respect, with minors; since the latter are never summoned to Parliament.

Mr. Abbott, for the Defendants, argued that the privilege claimed was "strictly a privilege of Parliament, and that the noble Lord, although he may become so whenever he shall think fit,[1] is not . . . a Member of Parliament"; that his right to be a

[1] Of course by denouncing his own religion.

Member of Parliament "is an inchoate right," and that "the Statute of Charles II [1] requires some further act to be done by him," etc.

Lord Eldon complimented both sides on their presentment of the case, and promised to deliver judgment the next day. His judgment was based on highly technical grounds. He pointed out that the Statute of George III, in virtue of which the claim of Lord Petre was made, was one defining and restricting, not enlarging, the privilege of Members of Parliament in this respect—hence it in no way conferred the privilege on those who did not possess it. The privilege had, up to then, been a strictly parliamentary one—peers who were minors could not avail themselves of it—no more could Roman Catholic peers. Hence the Act could not be regarded as conferring on them a right they did not already possess, and he thus passed judgment for the Defendants.

This lawsuit took place May 18, 1800, a year before Lord Petre's death; it was his last public testimony of loyalty to his Church, and devotion to his country, whose laws still refused him the privilege of serving her.

He died on July 2, 1801, and was buried in the churchyard of Ingatestone parish church, wherein his forefathers had been laid.

Of him, and his friend Throckmorton, Charles Butler said: "It [the Cause of Catholic Emancipation] was placed by both on its true ground . . . the universal right of every person . . . to worship God according to the dictates of his own conscience."

Going on to speak of Throckmorton, he quotes the remark of Fox, that "he did not know a person from whom it was more unsafe to differ than Sir John Throckmorton."

[1] Against the Catholic doctrine of the Eucharist.

INGATESTONE CHURCH.

Such [he goes on to say] were the two men who, for half a century, had a principal part in directing the exertions of the English Catholics for the repealing of the penal laws. None who knew them soon forgot them. While this page shall remain the writer wishes it to record *that they were his friends.*

EPILOGUE

THE epoch with which we have been dealing has not generally been deemed deserving of so much study and consideration as those more dramatic periods of the religious history of England: the reigns of Henry VIII, Mary, Elizabeth; or the later episodes of the Titus Oates conspiracy and the Gunpowder Plot. Rack and rope had become obsolete; men, if hanged at all, were "hanged by the neck until they were dead," and Catholics were not hanged at all for religious motives. They were still termed Papists, they laboured under heavy civil disabilities, they suffered in fortune and dignity, yet they moved freely amongst their fellow-countrymen, and even priests could, in virtue of English tolerance, exercise their pastoral duties without real personal danger.

And yet it was a time of crisis for Catholicism in England. Violent persecution calls forth the spirit of martyrdom, while under irksome and persistent oppression resolves weaken, and issues become blurred. In his important work on "The State and Behaviour of Catholics" Joseph Berington refers to the lapse of great families from the faith; they had grown weary of civil inaction and obscurity; they felt that such an existence, if unduly prolonged, was disastrous to more than merely their political welfare; and, furthermore, they began, some of them, to ask themselves if there had been no fault on the side of their ecclesiastical as well as their civil rulers, if they were not suffering for undue claims of the former as well as of the latter. For those who simply lapsed

from their hereditary faith such a question became unimportant ; for those who remained staunch and loyal, it was vital. And the great question was, as this history abundantly shows, that of the rightful position and claims of the papacy in regard to both Church and State.

We have seen that, here and there, men like Geddes would answer this question by suppressing it ; but the whole interest of the story of those with whom we are dealing lies in the patent fact that they tried to solve, and not to evade it.

This is the more remarkable, because many of them were not men of theological or philosophical training ; hence there must have been unconscious instincts and convictions by which they were impelled and guided.

And if I may say in what I believe those instincts to have been mainly rooted, I would say that it was in the strong, though sometimes latent and unconscious, belief in the Church as a self-contained entity, not a department of the State ; in a sense of her essential unity, and in a belief that the Papacy, in its purest and truest form, can be and has been the most potent factor of that unity.

As one of our modern play-writers has said, the Church could give sanctuary when she was a thing in herself and not a part of the State ; she could exercise religious and spiritual power in virtue of her independence.

The Papacy should be the organ of that independence—it should also be the crowning mark of the essentially spiritual character of the Church.

Men like the Beringtons, Throckmorton, Butler and others realised, however, that the spiritual value and force of the Papacy were conditioned by its confining itself to spiritual ends; they saw that on the self-restraint of Popes depended the good of the Church, as also the welfare of Catholics.

Men like Petre saw the spiritual and theological point less clearly ; but they saw very plainly the importance of the principle as regarded their own rights as citizens. They were prepared to make sacrifices for their faith, but not for any unjust claims of their ecclesiastical rulers. They were sound men, sensible men, and loyal men, but they had suffered grievously from the sins of the Papacy—they had passed out of the period when the call to heroism stifles criticism—they were rather in such a post-war phase as we have all lately experienced : inclined to see faults in the cause for which they had made such sacrifices, and more than inclined not to make such sacrifices again if they could be avoided.

Rome had claimed more than her rights—and they had first died for those claims, and had then, with infinite pains and labour, endeavoured to repudiate them in such manner as not to lessen the dignity of their Church.

Thus arose the conflicting schools of Cisalpinism and Ultramontanism—an old conflict under a new name. Both parties believed in the Papacy, but for the one her spiritual character was to be safeguarded, and her earthly ambition suppressed ; for the other, both were to be allowed full and unrestricted sway.

Cisalpinism was, whatever the opposite side may say of it, one of the finest testimonies to the value of the Papacy that the Church has seen, because it stood for a faith and loyalty blended with criticism and discrimination ; it was a belief that the thing itself was holy and essential in spite of its vices and faults. It was, in part, inspired by a deep sense of the pure spirituality and unity of the true Church of Christ.

And let it be noted, that while some Catholics had solved the problem by conforming to the religion of the land in which they lived, these intensely

English men, the Cisalpines, stood firm as rocks in the faith of their fathers. They were Catholics to the bone, but Catholics who exercised mind and judgment even in religious matters.

No ! they were not Protestants ; nor did they uphold what is called private judgment in matters of faith ; but they upheld the right to discriminate where the power of the Church ended and other powers began ; they believed that they had lives to lead as men and citizens, even as students and thinkers, independently of the authority of the Church.

They were subjects of whom the Church might well be proud, if she knew how to appreciate the allegiance of the strong as a more valuable asset than that of the weak. But alas for Rome, she too often lauds and trusts those who are submissive because they do not care, and blames and mistrusts those who resist her because they do care ! Milner typified such a temper of mind when he showed himself, at times, better disposed to a Protestant State than to the laity of his own Church when they manifested some interest in her affairs. He cared for the framework more than for the life it contained.

It is a curious fact that England, even in her Catholic days, has ever been continually at war with Rome, and in a state of resistance to Roman claims, and yet that she has been singularly observant of the disciplinary decrees of Rome. I have heard it said by ecclesiastics that laws made in Rome passed over the intervening Continent, and settled in our land, where, at last, they were duly observed. If such were the case, our forefathers had good cause to examine such laws, since they intended to observe them when once accepted.

Thus our ancestors, of the time with which we have been dealing, believed in Rome, even if they resisted her, and they believed in her because they

believed in the spiritual unity of the Church. They were the true friends of Rome, and her faithful children; better and more loyal than those who obey because they do not care.

Those who went to the extreme of repudiating the essential position and claims of the papacy made a fool case of the sufferings of their ancestors—of the death of men like Thomas More and Fisher.

What if Pope Pius V was largely responsible for the torments endured by his spiritual children under Queen Elizabeth? What if the attempt to uphold a dynasty the country had rejected had been the cause of long years of civil disabilities? This did not efface the main issue, the question of the rightful spiritual authority of the Church as a true *Civitas Dei* in the midst of the world, and not merely a department of the State. There was Rome's ambition to be reckoned with; but there was also the invasion of religion by purely secular interests to be guarded against.

In these days when there is so much talk of reunion this controversy might be consulted with great profit. Catholicism is essentially social in character; it aims at an earthly counterpart of the Heavenly City; it is more intolerant of civil interference and influence than Protestantism, with its more individualistic character. For the soul that is alone with God the relative claims of Church and State are comparatively indifferent; for the soul that finds its spiritual sustenance and life in a Society set apart for the purpose, such questions are of the highest importance. Such a spiritual Society is essentially independent in character; and of that independence the Papacy has come to be regarded as the essential organ. But the Papacy has also aimed at such a temporal embodiment of its ideal as has, too often, confused and perverted its spiritual character.

No one has expressed the problem better than Abbot Gasquet, in the following passage :

> As it was by Providence ordained, and as subsequent events have shown, claims of authority to determine matters more or less of the temporal order, together with the worldly pomp and show with which the Popes of the Renaissance had surrounded themselves, not only tended to obscure the higher and supernatural powers which are the enduring heritage of St. Peter's successors in the See of Rome, but, however clear the distinction between the necessary and the accidental prerogatives might appear to the mind of the trained theologian or the perception of the Saint, to the ordinary man when the one was called in question the other was imperilled. And, as a fact, in England popular irritation at the interference of the spirituality generally in matters not wholly within the ecclesiastical sphere was, at a given moment, skilfully turned by the small reforming party into national, if tacit, acquiescence in the rejection of even the spiritual prerogatives of the Roman pontiffs.
>
> It is necessary to insist upon this matter if the full meaning of the Reformation movement is to be understood. Here in England there can be no doubt, on the one hand, that no nation has more fully and freely bowed to the spiritual supremacy of the Holy See ; on the other that there was a dislike of interference in matters which they regarded, rightly or wrongly, as outside the sphere of the Papal prerogative.[1]

Some of our forefathers were lacking in the historic and theological sense ; finding that they had been, to some extent, duped by the papal claims, they went on to reject those claims *in toto*.

[1] *The Eve of the Reformation*, pp. 73–4.

Had they studied the minds and actions of the first great religious martyrs under Henry VIII they would not have gone astray. Thomas More, alone, could have taught them the truth in the matter. But some of them were exasperated, and, above all, they felt what men like Geddes did not hesitate to express, their dissatisfaction with a Power that would never, under any circumstances, acknowledge that it had made a mistake or done wrong.

What a joy and relief it would have been to our forefathers of the eighteenth century had any Pope been willing definitely to abjure those claims which had cost the faithful so much! But where is the nation that has ever struck its breast and cried "peccavi" after setting the world in flames? We might hope more of a Power which claims to be, essentially, other-worldly in aims; and had the Church ever, in the course of this controversy, risen to the height of such renunciation, much tribulation might have been avoided. So far, however, has it ever been from any such action that, in the history of the famous Oaths, difficulties arose directly an attempt was made, not only to omit, on the part of the Church, a certain claim, but actually to repudiate it.

Why was this? Was it not because the rulers of the Church believed that the time would come when they could reassert such claims? This, at least, was the impression conveyed not only to the Protestant mind, but even to the minds of Catholics who denied the temporal claims of the Papacy and believed in the spiritual supremacy.

Cisalpinism was the attitude of those who believed, but with a faith that feared not facts, and shrank not from criticism. And which is the stronger faith—that of the blind, or that of the clear-sighted? Milner, the protagonist of ecclesiastical ambition, and his like; Charles Plowden, the

protagonist of Ultramontanism, and his like, have been, by too many Catholic historians, regarded as the true representatives of our faith in that time of crisis. My soul be with the Talbots, the Beringtons, the Butlers : men who suffered from foes within and foes without ; men whose faith was staunch but not servile ; men who would have died for an essential article of their creed, but who could also stand firm against ecclesiastical excesses in doctrine or discipline ; and men who, throughout the long battle, displayed, as their opponents did not, the qualities of Christian forbearance and charity.

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